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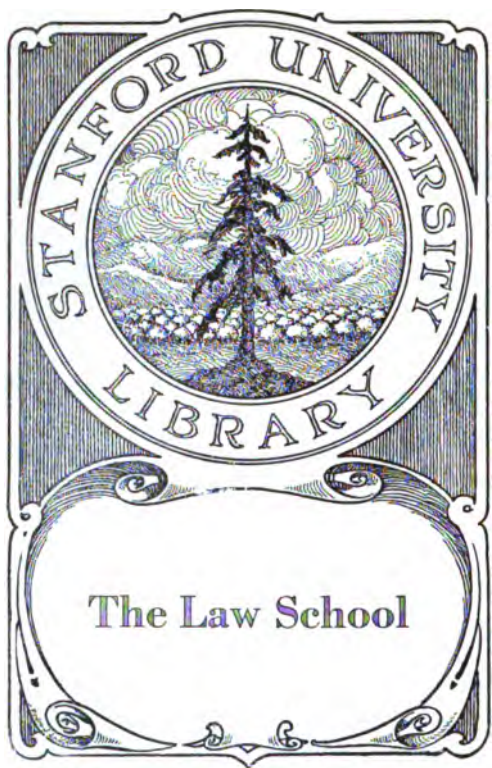
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1837

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U. S. Laws, statutes &c. Union Humboldt Bay
U. S. Laws, statutes &c.
THE

PUBLIC AND GENERAL

STATUTES

PASSED BY THE CONGRESS OF THE
UNITED STATES OF AMERICA.

FROM 1837 TO 1847 INCLUSIVE,

WHETHER

Expired, Repealed, or in Force;

ARRANGED IN CHRONOLOGICAL ORDER, WITH MARGINAL REFERENCES.

BEING A CONTINUATION OF THE LAWS PUBLISHED UNDER THE INSPECTION OF

JOSEPH STORY,

ONE OF THE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES.

EDITED BY

GEORGE SHARSWOOD.

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VERIFIED AND CORRECTED

ACTS OF
THE TWENTY-FIFTH CONGRESS
OF THE UNITED STATES.
VOL. V.

ACTS OF THE TWENTY-FIFTH CONGRESS

1837.

OF

THE UNITED STATES ;

Passed at the First Session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the fourth day of September, one thousand eight hundred and thirty-seven.

MARTIN VAN BUREN, President. RICHARD M. JOHNSON, Vice President, and President of the Senate. JAMES K. POLK, Speaker of the House of Representatives.

CHAP. 1. An act to postpone the fourth installment of deposit with the States.

§ 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the transfer of the fourth installment of deposits directed to be made with the States, under the thirteenth section of the act of June twenty-third, eighteen hundred and thirty-six, be and the same is hereby postponed till the first day of January, one thousand eight hundred and thirty-nine; *Provided*, That the three first installments under the said act shall remain on deposit with the States, until otherwise directed by Congress. *Approved, October 2d, 1837.*

Postponed till
1st Jan. 1839.
Provided.

CHAP. 2. An act to authorize the issuing of Treasury Notes.

§ 1. *Be it enacted, &c.,* That the President of the United States is hereby authorized to cause Treasury notes for such sum or sums as the exigencies of the Government may require, but not exceeding, in the whole amount of notes issued, the sum of ten millions of dollars, and of denominations not less than fifty dollars for any one note, to be prepared, signed, and issued in the manner hereinafter provided.

The President
to cause Treasury
notes to be is-
sued, for not ex-
ceeding ten mil-
lions of dollars,
and not of less de-
nomination than
\$50.

Notes to be reimbursed and redeemed after the expiration of one year.

Notes to bear such interest as is expressed on their face.

Interest in no case to exceed the rate of six per cent.

The Treasury notes to be signed by the Treasurer and countersigned by the Register of the Treasury.

Those officers to act as checks upon each other.

The Treasurer to account quarterly.

The Treasurer and Register, under the direction of the Secretary of the Treasury, authorized to employ additional clerks.

The Secretary of the Treasury, under the direction of the President, to cause a portion of said notes to be issued in payment of debts to such as choose to receive them, &c.

The Secretary of the Treasury authorized, &c. to borrow on the credit of the notes, &c.

§ 2. *And be it further enacted*, That the said Treasury notes, authorized to be issued by the first section of this act, shall be reimbursed and redeemed by the United States, at the Treasury thereof, after the expiration of one year from the dates of the said notes respectively; from which said dates, for the term of one year, and no longer, they shall bear such interest as shall be expressed upon the face of the said notes; which rate of interest upon each several issue of the said notes shall be fixed by the Secretary of the Treasury, by and with the advice and approbation of the President; but shall in no case exceed the rate of interest of six per centum per annum. The reimbursement herein provided for shall be made at the Treasury of the United States to the holders of the said notes respectively, upon presentment, and shall include the principal of each note, and the interest which may be due thereon at the time of payment. For this reimbursement, at the time and times herein specified, the faith of the United States is hereby solemnly pledged.

§ 3. *And be it further enacted*, That the said Treasury notes shall be prepared under the direction of the Secretary of the Treasury, and shall be signed, on behalf of the United States, by the Treasurer thereof; and countersigned by the Register of the Treasury; and that those officers respectively shall, as checks upon each other, and to secure the public safety, keep separate, full, and accurate accounts of the number, date, denomination, and amount of all the notes signed and countersigned by them respectively; which said accounts shall be carefully preserved and placed on file in the Treasury Department; and, also, similar accounts, kept and preserved in the same manner of all the said notes redeemed, as the same shall be returned and cancelled; and the Treasurer shall further account quarterly for all such notes delivered to him for signature or issue by the Register. The Treasurer and Register of the Treasury are hereby authorized, by and with the consent and approbation of the Secretary of the Treasury, to employ such additional temporary clerks as the duties enjoined upon them by this section may render necessary: *Provided*, Said number shall not exceed four, and with a salary of not more than at the rate of twelve hundred dollars to each per annum.

§ 4. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized, with the approbation of the President of the United States, to cause to be issued such portion of the said Treasury notes as the President may think expedient, in payment of debts due by the United States to such public creditors or other persons as may choose to receive such notes in payment, as aforesaid, at par. And the Secretary of the Treasury is further authorized, with the approbation of the President of the United States, to borrow, from time to time, not under par, such sums as the President may think expedient, on the credit of such notes.

§ 5. *And be it further enacted*, That the said Treasury

notes shall be transferable by delivery and assignment endorsed thereon, by the person to whose order the same shall, on the face thereof have been made payable. The notes transferable by delivery and assignment, &c.

§ 6. *And be it further enacted*, That the said Treasury notes shall be received in payment of all duties and taxes laid by the authority of the United States, of all public lands sold by the said authority, and of all debts to the United States, of any character whatsoever, which may be due and payable at the time when said Treasury notes may be so offered in payment. And on every such payment, credit shall be given for the amount of the principal and interest which, on the day of such payment, may be due on the note or notes thus given in payment. The Treasury notes to be received in payment of duties, taxes, public lands, &c.

§ 7. *And be it further enacted*, That any person making payment to the United States in such Treasury notes, into the hands of any collector, receiver of public money, or other public officer or agent, shall on books, kept according to such forms as shall be prescribed by the Secretary of the Treasury, give duplicate certificates of the number and respective amount of principal and interest of each and every Treasury note thus paid by such person; and every collector, receiver of public moneys, or other public officer or agent, who shall thus receive any of the said Treasury notes in payment, shall, on payment of the same, receive credit both for principal and interest computed as aforesaid, which on the day of such last mentioned payment shall appear due on the note or notes thus paid in, and he shall be charged for the interest accrued on such note or notes from the day on which the same shall have been received by him in payment as aforesaid, to the day on which the same shall be paid by him as aforesaid. On every payment of Treasury notes, credit to be given for principal and interest, &c.

§ 8. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be reimbursed and paid the principal and interest of the Treasury notes which may be issued by virtue of this act, at the several time and times when the same, according to the provisions of this act, should be thus reimbursed and paid. And the said Secretary is further authorized to make purchases of the said notes, at par, for the amount of the principal and interest due at the time of purchase on such notes. And so much of any unappropriated money in the Treasury as may be necessary for that purpose, is hereby appropriated, for paying the principal and interest of said notes. Persons making payment to the United States in Treasury notes, into the hands of a collector, &c. to give duplicate certificates, &c.

§ 9. *And be it further enacted*, That a sum not exceeding twenty thousand dollars, to be paid out of any unappropriated money in the Treasury, be, and the same is hereby, appropriated, for defraying the expense of preparing, printing, engraving, signing, and otherwise incident to the issuing of the Treasury notes authorized by this act. And the collector, on payment, &c. to receive credit, &c.

§ 10. *And be it further enacted*, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in Secretary of the Treasury authorized to cause to be reimbursed and paid, the principal and interest of the Treasury notes.

Authorized to purchase said notes, &c.

Appropriation to pay Treasury notes.

\$20,000 appropriated to defray the expenses of issuing Treasury notes.

Imprisonment and hard labour, for not less than three nor more than ten years,

and fine not exceeding \$5000, for forging, counterfeiting, falsely altering, or for passing or uttering any forged, counterfeited, or falsely uttered Treasury notes, &c.

falsely making, forging, or counterfeiting, any note, in imitation of, or purporting to be, a Treasury note aforesaid; or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any Treasury note issued as aforesaid; or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any false, forged, or counterfeited note, purporting to be a Treasury note as aforesaid, knowing the same to be falsely forged or counterfeited, or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any falsely altered Treasury note, issued as aforesaid, knowing the same to be falsely altered, every such person shall be deemed and adjudged guilty of felony, and being thereof convicted by due course of law, shall be sentenced to be imprisoned, and kept to hard labor, for a period not less than three years, nor more than ten years, and be fined in a sum not exceeding five thousand dollars.

Imprisonment and hard labor, for not less than three nor more than ten years, and fine not exceeding \$5000, for making or engraving, or causing to be made or engraved, or for having in possession with intent to use, any metallic plate engraved after the similitude of those used in printing Treasury notes, or any blank notes, or paper used in making such notes.

§ 11. *And be it further enacted*, That if any person shall make or engrave, or cause or procure to be made or engraved, or shall have in his custody or possession any metallic plate, engraved after the similitude of any plate from which any notes issued as aforesaid shall have been printed, with intent to use such plate, or cause or suffer the same to be used in forging or counterfeiting any of the notes issued as aforesaid; or shall have in his custody or possession any blank note or notes engraved and printed after the similitude of any notes issued as aforesaid, with intent to use such blanks, or cause or suffer the same to be used in forging or counterfeiting any of the notes issued as aforesaid; or shall have in his custody or possession any paper adapted to the making of notes, and similar to the paper upon which any such notes shall have been issued, with intent to use such paper, or cause or suffer the same to be used in forging or counterfeiting any of the notes issued as aforesaid; every such person, being thereof convicted by due course of law, shall be sentenced to be imprisoned, and kept to hard labor, for a term not less than three nor more than ten years, and fined in a sum not exceeding five thousand dollars.

The Secretary of the Treasury authorized to make and issue such rules and regulations as he may deem proper to all persons authorized to receive Treasury notes on behalf of the United States.

§ 12. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to make and issue, from time to time, such instructions, rules, and regulations to the several collectors, receivers of public money, depositaries, and all others who may be authorized to receive the said Treasury notes on behalf of and as agents in any capacity for the United States, as to the safe keeping, disposition, return, and cancelling of the said notes so paid to and received by them respectively, and as to their accounts and returns to the Department of all such receipts as may seem to him best calculated to promote the public interests and convenience, and secure the United States and the holders of the said notes against fraud and losses. *Provided*, That nothing herein contained shall be so construed as to authorize the Secretary of the Treasury to re-issue any of said notes, but upon the return of the said notes or any of them to the Treasury the same shall be cancelled.

Previous.

§ 13. *And be it further enacted*, That it shall be, and hereby is, made the duty of the Secretary of the Treasury to cause a statement to be published monthly, of the amount of all Treasury notes issued or redeemed, in pursuance of the provisions of this act: and that the power to issued Treasury notes conferred on the President of the United States by this act, shall cease and determine on the thirty-first day of December, eighteen hundred and thirty-eight. *Approved, October 12th, 1837.*

Secretary of the Treasury to cause a monthly statement to be published.

Power conferred by this act to determine on the 31st December, 1838.

CHAP. 3. An act to regulate the Fees of District Attorneys in certain cases.

§ 1 *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That in all cases of extension of the time of payment of the bonds given for duties on imports, it shall be according to such directions as may be given by the Secretary of the Treasury; and the extension of payment of the old bond, or the taking of a new bond, shall be by the respective collectors subject to no other charge than such as may be legally receivable on the taking of an original bond, upon the entry of merchandize.

Extension of bonds for duties to be under such directions as may be given by the Secretary of the Treasury, and the extension of an old bond or the taking of a new one to be by the collectors subject to no other charge than may be legally receivable on the taking of an original bond.

§ 2. *And be it further enacted*, That no fee shall accrue to any District Attorney on any bond left with him for collection, or in a suit commenced on any bond for the renewal of which provision is made by law, unless the party or parties shall neglect to apply for such renewal for more than twenty days after the maturity of such bond. *Approved, October 12th, 1837.*

No fee to accrue to any District Attorney on bonds left for collection, or in suits commenced on bonds for the renewal of which provision is made by law, unless the party neglects to apply for renewal for more than 20 days after the maturity of such bonds.

CHAP. 4. An act to continue in force certain laws to the close of the next Session of Congress.

§ 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That all acts and parts of acts, or provisions contained within any act, which, by the terms thereof, are made to expire at the termination of the first session of the twenty-fifth Congress, be, and the same are hereby, declared to continue in force to the end of that session of Congress which shall commence, or shall be in session, on the first Monday in December, eighteen hundred and thirty-seven. *Approved, October 12th, 1837.*

All acts, &c. made to expire at the close of the 1st ses. 25th Con. continued to end of that session which shall commence or be in session on the 1st Monday in December, 1837.

CHAP. 5. An act to amend an Act entitled "An act to provide for the payment of horses lost, or destroyed in the military service of the United States, approved January 18th, 1837.

§ 1. *Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled*, That any person who has turned over to the service of the United States. his horse, saddle, bridle, or equipments, by

Horses, &c. turned over to the service of the U. S. by order of a commanding officer, to be paid for.

Claims to be adjusted by the 3d Auditor, under rules prescribed by the Secretary of War, with the assent of the President.

This act and the act to which it is an amendment to extend to mules.

Decisions to be recorded, and payments made, as required by act aforesaid.

This act extended to cases where persons mentioned in former act have died in service, and his horse, saddle, bridle, or equipments, shall have been turned over to an officer, or other person, for the benefit of the United States, by order of the proper officer commanding, and not restored to the representative of the deceased or paid for by the United States. *Approved, October 14th, 1837.*

CHAP. 6. An act for the relief of D. P. Madison.

The right to publish in foreign countries, for her own benefit, the manuscript debates on the constitution, and the nett avails of any such publication ordered by her, to be all conveyed to Mrs. Madison.

Provided.

§ 1. *Be it enacted, &c.* That the President of the United States be, and he is hereby, authorized and requested to cause to be executed, a grant and re-conveyance to Mrs. P. D. Madison, her executors, administrators, and assigns, of the right to publish in foreign countries, for her own benefit, the manuscript debates of the Convention which formed the Constitution of this Government, as well as the nett avails of any such publication which may have been ordered by her: *Provided*, however, That she shall not be allowed to withdraw from the possession of the Government either of the copies of said debates which accompanied her conveyance. *Approved, October 14th, 1837.*

CHAP. 7. An act making an additional appropriation for the suppression of Indian hostilities for the year one thousand eight hundred and thirty-seven.

\$1,000,000 appropriated.

To be expended under direction of Secretary of War, conformably to acts 19th March and 2d July, 1836, and acts therein referred to.

§ 1. *Be it enacted, &c.* That the further sum of one million six hundred thousand dollars shall be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to defray any expenses which have been or may be incurred, in preventing or suppressing the hostilities of any Indians: to be expended under the direction of the Secretary of War, conformably to the acts of Congress of the nineteenth of March, eighteen hundred and thirty-six, and the second of July, eighteen hundred and thirty-six, and of the acts therein referred to. *Approved, October 16th, 1837.*

CHAP. 8. An act authorizing a further postponement of payment upon duty bonds.

The Secretary of the Treasury authorized to grant such further extension of credit.

§ 1. *Be it enacted, &c.*, That the Secretary of the Treasury be, and he hereby is, authorized to grant such further extension credit upon all bonds for duties now outstanding as shall make of

the whole extension of credit upon each bond nine months from the time when the original bond became due and payable, making the extension in each case to depend upon the same conditions as to additional security, the payment of interest, and other terms, which have been prescribed by the Treasury Department, to the extension of revenue bonds since May last: *Provided*, That nothing herein contained shall be construed to include any existing bonds where the parties to the same have not, since the bonds became payable, given additional security, or made part payment, and are, by the proper officers of the Government, considered insolvent, or unsafe securities for the payment of their bonds.

§ 2. *And be it further enacted*, That a credit of three and six months shall be allowed on the duty on all merchandise which shall have been or may be imported on or before the first day of November next, upon which the duties are payable in cash, and that the bonds receive for such duties shall be payable in equal installments, bearing interest at the rate of six per cent. per annum, and shall be in the form and upon the conditions prescribed by existing laws and by this act.

§ 3. *And be it further enacted*, That where the security in any bond which has been, or may hereafter be postponed, is entirely satisfactory, the principal or sureties in the same shall not be disabled from being in the mean time, till the period of postponement provided for by this act expires, received as principal or sureties in other bonds for duties, notwithstanding the bond first given may not have been actually paid, discharged, or extended before or on the day it fell due: *Provided*, That such principal and sureties shall be found, in all other respects, safe and satisfactory security for the funds to which they may be proposed as parties.

§ 4. *And be it further enacted*, That the operation of all prior laws, and parts of laws, so far as inconsistent with this act, be suspended in the particulars in which they may conflict with, or differ from, its provisions, until this act shall cease by its own limitations. *Approved, October 16th, 1837.*

CHAP. 9. An act for adjusting the remaining claims upon the late deposit banks.

§ 1. *Be it enacted, &c.*, That the Secretary of the Treasury be, and he is hereby, authorized to continue to withdraw the public moneys now remaining in any of the former deposit banks, in a manner as gradual and convenient to the institution as shall be consistent with the pecuniary wants of the Government, and the safety of the funds thus to be drawn; and that no further interest than that required by the deposit act of the twenty-third of June, one thousand eight hundred and thirty-six, under which those deposits were made, shall be demanded of any bank which has met, and shall hereafter meet, the requisitions of the department. This provision shall also extend to such

it on bonds, as shall make the whole, on each not exceeding 3 months from the time the original became due, making the extension to depend upon the conditions as to security, &c. as have been prescribed by the Treasury Department to the extension of bonds since May last. *Provided.*

A credit of 3 and 6 months to be allowed on the duty on all merchandise imported before 1st Nov. next, upon which the duties are payable in cash. The bonds received for such duties to be payable in equal installments, bearing 6 per cent. interest, and in the form and upon the conditions prescribed by law. When the security in bonds postponed is entirely satisfactory, the principals or sureties shall not be disabled from being, till the period of postponement provided for by this act expires, received as principals or sureties in other bonds for duties. *Provided.*

The operation of all laws, so far as inconsistent with this act, suspended.

The Secretary of the Treasury authorized to continue to withdraw the public moneys in the former deposit banks, in a manner as convenient to them as shall be consistent with the wants of the Government, &c.; and that no further interest than required by the act 23d June, 1836 shall be demanded of the banks that

meet the requisitions of the Department.

This provision to extend to monies whether standing to the credit of the Treasurer U. S., or any other officer of the Government.

In case of any of said banks not complying with the requisitions of the Secretary of the Treasury, suits shall be instituted, unless the defaulting banks shall give a bond to pay to the U. S. the money due in 3 installments, the first to be paid on the 1st January, 1839, and the 2d on the 1st July, 1839, and the 3d on the 1st July, 1839; with interest and damages.

public moneys as may remain in any of the said banks, whether standing to the credit of the Treasurer of the United States, or of any disbursing or other public officer of the Government.

§ 2. *And be it further enacted*, That in case of neglect or refusal by any of the said banks to comply with the requisitions of the Secretary of the Treasury, as he shall make them, in conformity with the first section of this act, suits shall be instituted, where that has not already been done, to recover the amounts due to the United States, unless the defaulting bank shall forthwith cause to be executed and delivered to the Secretary of the Treasury a bond, with security, to be approved by the Solicitor of the Treasury, to pay to the United States the whole moneys due from it in three installments; the first to be paid on the first day of July next, the second on the first day of January, eighteen hundred and thirty-nine, and the remaining installment on the first day of July, eighteen hundred and thirty-nine; and the default mentioned in this act on which interest is to commence at the rate of six per centum per annum, shall be understood to be the neglect or omission of said banks, or any of them to answer the drafts or requisitions of the Secretary of the Treasury made on them according to the provisions of the first section of this act; and interest thereon at the rate of six per centum per annum, from the time of default, together with any damages which may have accrued to the United States from protests of drafts drawn upon it, or from any other consequence of its failure to fulfil its obligations to the public treasury. *Approved, October 16th, 1847.*

CHTP. 10. An act making further appropriations for the year eighteen hundred and thirty-seven.

§ 1. *Be it enacted, &c.* That the following sums be, and the same are hereby, appropriated, out of any unappropriated money in the Treasury, viz:

Pay and mileage of members of Congress.

For pay and mileage of the members of Congress and delegates, two hundred and forty-eight thousand five hundred dollars.

Contingent expenses of the Senate.

For stationary, fuel, printing, and all other contingent expenses of the Senate, thirty thousand dollars.

Contingent expenses of the House of Representatives.

For stationary, fuel, printing, and all other contingent expenses of the House of Representatives, fifty thousand dollars.

Contingent expenses of the Navy, as enumerated by act 3d March last.

For the contingent expenses of the navy, as enumerated in the act of the third of March last, in addition to the amount appropriated by that act, one hundred and twenty thousand dollars.

Relief and protection of American seamen.

For the relief and protection of American seamen in foreign countries, ten thousand dollars.

Expenses attending the prosecution of the U. S. claim to the Smithsonian legacy.

For defraying the expenses attending the prosecution of the claim of the United States to the legacy bequeathed by the late James Smithson, of London, five thousand dollars.

For contingent expenses in the office of the Treasurer, five hundred dollars. Contingent expenses in the Treasurer's office.

For preparing, printing, and binding documents ordered by the resolution of the Senate of the second of July, 1836, twenty-fifth of February, 1837, and second of March, 1837, to be disbursed under the direction of the Committee to audit and control the contingent expenses of the Senate, twenty-five thousand dollars. Expenses of documents ordered by resolutions of the Senate of 2d July, 1836, 25th February, and 2nd March, 1837.

§ 2. *And be it further enacted*, That, if the revenue from duties, or from the sales of public lands remaining in the hands of the receiving and collecting officers, be not sufficient at any time to pay debentures and other charges which are by existing laws made payable out of the accruing revenue before it is transferred to the credit of the Treasurer, the Secretary of the Treasury is hereby authorized to pay the said debentures and other charges out of any money in the Treasury not otherwise appropriated. If the revenue remaining in the hands of the collecting officers be not sufficient at any time to pay debentures, &c., the Secretary of the Treasury is hereby authorized to pay them out of any unappropriated money in the Treasury.

§ 3. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby authorized, to arrange and settle any of the outstanding transfer drafts given to transfer moneys to the States under the act of twenty-third of June, 1836, and which have not been paid by the depositories upon which they were drawn, or otherwise arranged and settled by the United States, by receiving such drafts at par in payment of any debts due to the United States, without any allowance of interest for the time the drafts have been outstanding and unpaid, or any other allowance for interest or damages of any description. The Secretary of the Treasury authorized to arrange and settle outstanding drafts given to transfer moneys to the States under act 23d June, 1836, &c., by receiving them at par in payment for debts due to the U. S., without any allowance for interest or damages.

Approved, October 16th, 1837.

RESOLUTION.

[No. 1.] A Resolution directing the postage on Letters sent by the Express Mail to be paid in advance.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby, directed to cause the postage on all letters sent by the Express Mail of the United States to be paid in advance at the time of depositing them for transportation by said mail. *Approved, October 12th, 1837.* Postage on letters sent by the Express Mail to be paid in advance.

ACTS OF THE TWENTY-FIFTH CONGRESS

OF

THE UNITED STATES ;

Passed at the Second Session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the fourth day of December, one thousand eight hundred and thirty-seven.

MARTIN VAN BUREN, President. RICHARD M. JOHNSON, Vice President, and President of the Senate. JAMES K. POLK, Speaker of the House of Representatives.

CHAP. 11. An act to authorize the President of the United States to cause the public vessels to cruise upon the coast in the winter season and to relieve distressed navigators.

The President authorized to cause the public vessels to cruise upon the coast in the winter for the relief of distressed navigators.

§ 1. *Be it enacted, &c.* That the President of the United States be, and hereby is, authorized to cause any suitable number of public vessels, adapted to the purpose, to cruise upon the coast, in the severe portion of the season, when the public service will allow of it, and to afford such aid to distressed navigators, as their circumstances and necessities may require ; and such public vessels shall go to sea prepared fully to render such assistance. *Approved, December 22d, 1837.*

1838. CHAP. 12. An act to ratify and confirm certain official acts of John Pope, late Governor of Arkansas.

The locations, &c. of John Pope, of ten sections of land granted by Congress to Arkansas for a State-house, under authority vested in him by an act of 4th July 1832, confirmed.

§ 1. *Be it enacted, &c.* That the locations, sales, and transfers of John Pope, late Governor of Arkansas, of a quantity of public land, not exceeding ten sections, (or six thousand four hundred acres,) which was granted by Congress to Arkansas to build a State-house at Little Rock, the seat of Government of Arkansas to sundry citizens of Arkansas, in pursuance of an authority vested in him by an act of Congress of the fourth day of July, in the year eighteen hundred and thirty-two, be, and the same are hereby, ratified and confirmed : *Provided*, said location, sales, and transfers, were in conformity to legal subdivisions, be those divisions fractional quarter sections or not : *And provided, also*, That the gross amount of acres of land thus located, sold, and transferred, for the purpose aforesaid, does not exceed six thousand four hundred acres ; and the President of the United States is hereby authorized and directed to cause patents to issue to said

Proviso.

purchasers, their heirs, or their legal representatives, for the late Governor's several locations, sales, and transfers, whenever the applications are properly made by said purchasers or their legal representatives.

§ 2. *And be it further enacted*, That the northeast and southwest quarters of section twenty-seven, township eighteen south, range one west, the southeast quarter of section twenty-eight, same township and range, the southwest quarter of section fifteen, township nineteen south, range one west, the north west and southeast quarters of section nine, same township and range, all in the Mississippi land district, State of Arkansas, be, and the same are hereby, excepted from the provisions of this act.—*Approved, January 16th, 1838.*

Certain lands in the Mississippi land district, Arkansas, excepted from the provisions of this act.

CHAP. 13. An act to provide for the payment of the annuities which will become due and payable to the Great and Little Osages, in the year one thousand eight hundred and thirty-eight, and for other purposes.

§ 1. *Be it enacted, &c.* That the Secretary of War shall cause to be purchased for the use of the Great and Little Osage Indians, such provisions as will in his opinion, be most useful to them, to the value of eight thousand five hundred dollars, and when purchased, shall cause said provisions to be distributed among said Indians, by their agent, furnishing to each family, as near as may be, their proper proportion: *Provided always*, That such purchase and distribution shall not be made, unless said Indians agree to receive the same in discharge of the annuities due them for the year one thousand eight hundred and thirty-eight, by virtue of treaties between them and the United States.

Sec. War to cause provisions to the value of \$8,500 to be purchased and distributed among the Great and Little Osage Indians.

Proviso.

§ 2. *And be it further enacted*, That the Secretary of War cause as many additional farmers to be employed as may, in the opinion of the President, be deemed necessary to aid and instruct said Indians in clearing and cultivating their lands, and such additional stock, implements of husbandry and seeds to be purchased for the use of said Indians, as the agent or superintendent may judge necessary: *Provided always*, That the whole expense incurred under this section, shall not exceed the sum of three thousand five hundred dollars.

Sec. War to cause additional farmers to be employed, and additional stock, &c. to be purchased.

Proviso.

§ 3. *And be it further enacted*, That to enable the Secretary of War to carry the provisions of this act into effect, the sum of twelve thousand dollars be, and the same is hereby appropriated to be paid out of any money in the Treasury not otherwise appropriated. *Approved, January 16th, 1838.*

\$12,000 appropriated to enable the Sec. War to carry this act into effect.

CHAP. 14. An act making a partial appropriation for the suppression of Indian hostilities for the year eighteen hundred and thirty-eight.

§ 1. *Be it enacted, &c.* That the sum of one million of dollars shall be, and the same is hereby, appropriated, out of any

\$1,000,000 appropriated.

money in the Treasury not otherwise appropriated, to defray any expenses which have been, or may be, incurred, in preventing or suppressing the hostilities of any Indians, in the year eighteen hundred and thirty-eight; to be expended under the direction of the Secretary of War, conformably to the acts of Congress of the nineteenth of March and the second of July, eighteen hundred and thirty-six, and of the acts therein referred to. *Approved, January 30th, 1838.*

To be expended under direction of Sec. War, conformably, &c.

CHAP. 15. An act making an appropriation for the protection of the northern frontier of the United States.

\$625,500 appropriated.

§ 1. *Be it enacted, &c.* That the sum of six hundred and twenty-five thousand five hundred dollars shall be, and the same is hereby, appropriated, out of any unappropriated money in the Treasury, to defray any expenses which have been or may be incurred in protecting the northern frontier of the United States, by calling out, under the direction of the President of the United States, any part of the militia or volunteers, according to the provisions of the constitution and laws; which sum if required, shall be expended under the direction of the Secretary of War, conformably to the provisions of the act of Congress of January second, seventeen hundred and ninety-five; of the act of April fifth, eighteen hundred and thirty-two, making appropriations for the support of the army; and of the act of March nineteenth, eighteen hundred and thirty-six, providing for the payment of volunteers and militia corps in the service of the United States. *Approved. January 30th, 1838.*

Which sum, if required, shall be expended under the direction of the Secretary of War, conformably, &c.

CHAP. 22. An act to abolish the Circuit Court at Huntsville in the State of Alabama and for other purposes.

Act of 1837, c. 402, vol. 4, p. 2538.

The Circuit Court U. S. established at Huntsville by act 3d March 1837, abolished.

§ 1. *Be it enacted, &c.* That the Circuit Court of the United States, established at Huntsville in the State of Alabama, by the act of Congress of the third of March, eighteen hundred and thirty-seven, entitled "An act supplementary to the act entitled 'An act to amend the judicial system of the United States,' " be, and the same is hereby abolished.

The jurisdiction which belonged to the Dist. Court U. S. of N. Dist. of Al. at and before the passage of act 3d March 1837, restored, &c.

§ 2. *And be it further enacted,* That all the jurisdiction which belonged to the District Court of the United States, for the northern district of the State of Alabama, at Huntsville, at and before the passage of the said act of Congress of the third of March, eighteen hundred and thirty-seven, be and the same is hereby restored to and vested again in the said District Court, and every act of Congress upon which the jurisdiction of the said District Court depended at and before the passage of the said act of Congress of the third of March, eighteen hundred and thirty-seven, is hereby revived, so far as such act or acts gave jurisdiction as the same existed at the time aforesaid, in the said District Court.

§ 3. *And be it further enacted*, That all causes at law or in equity, pending in the said Circuit Court at Huntsville, shall be transferred to the said District Court at Huntsville, and shall be proceeded in and be determined by the said District Court in the same manner as if they had been originally commenced in the said District Court; and it shall be the duty of the clerk of the said Circuit Court to deliver to the clerk of the said District Court, the original papers in all such causes, together with the record of all the proceedings had in the said Circuit Court; *Provided*, That the first term for the trial of the causes hereby transferred shall be the term of the said District Court which will be commenced on the third Monday in May eighteen hundred and thirty-eight.

All causes pending in Circuit Court to be transferred to Dist. Court, to be proceeded in, &c.

Clerk of Circuit Court to deliver to clerk of Dist. Court the original papers and records.

Previous.

§ 4. *And be it further enacted*, That the terms of the said District Court shall be held at the said town of Huntsville, twice in each year, on the third Monday in May, and the fourth Monday in November, annually.

Terms of Dist. Court to be held twice in each year.

§ 5. *And be it further enacted*, That appeals and writs of error shall lie from the said District Court to the Circuit Court of the United States at Mobile, in the State of Alabama.

Appeals, &c. to lie from Dist. Court to Circuit Court U. States at Mobile.

§ 6. *And be it further enacted*, That all process, bail-bonds, and recognizances returnable to the Circuit Court of the United States at Huntsville aforesaid, shall be returnable and returned to the District Court, next held under this act, in the same manner as if so made returnable on the face thereof, and shall have full effect accordingly. *Approved, February 22d, 1838.*

All process, &c. returnable to Circuit Court shall be returnable to Dist. Court next held under this act, &c.

CHAP. 23. An act to amend an act entitled "An act for the appointment of commissioners to adjust the claims to the reservations of land under the fourteenth article of the treaty of eighteen hundred and thirty with the Choctaw Indians.

Act of 1837, c. 407, vol. 4, p. 2543.

§ 1. *Be it enacted, &c.* That the commissioners provided for in the act hereby amended, or a majority of them, shall have full power and authority to adjourn their sessions in such place or places, within the State of Mississippi, as in their judgment the interest of the Government and the claimants may require each sessions to be held.

Commissioners may adjourn their sessions to such places in Miss. as the interest of the gov't. and claimants may require.

§ 2. *And be it further enacted*, That in case of the death, resignation, or absence of any one of the said commissioners, the remaining two commissioners shall have full power and authority to proceed and execute the powers given by this act or the act hereby amended.

In case of the death, &c. of one of the commissioners, the others may act.

§ 3. *And be it further enacted*, That the said commissioners shall have all the power of a court of record, for the purpose of compelling the attendance of witnesses, administering oaths, touching matters depending before them, preserving order, and punishing contempts; and shall have power to make all needful rules for the regulation of the proceedings before

Commissioners to have power to compel the attendance of witnesses, &c. also, to make rules for, &c. to employ interpreters, &c.

them, as well as to employ one or more interpreters, and one or more agents to collect testimony for the United States.

\$5000 appropriated for the contingent expenses of the commission.

§ 4. *And be it further enacted*, That for defraying the contingent expenses of the said commission, the sum of five thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

Said act continued till 1st August next.

§ 5. *And be it further enacted*, That the said act shall be and remain in force until the first day of August next.

Dist. Atty. to receive the same compensation as a commissioner.

§ 6. *And be it further enacted, by the authority aforesaid*, That the compensation to be made to the district attorney for his services, shall be equal to the compensation allowed to a commissioner under the act hereby amended.

Claims of Indians who have removed west of the Mississippi not embraced.

§ 7. *And be it further enacted*, That nothing contained in this act, or the act which this is intended to amend, shall be so construed, as to embrace the claim of any Indian or head of a Choctaw family, who has removed west of the Mississippi river.

Any claimant attempting to substitute the child of any other Indian for his own, etc. shall be stricken from the list.

§ 8. *And be it further enacted*, That if it shall be proved to the satisfaction of said commissioners that any claimant has attempted, or shall attempt to substitute the child of any other Indian as and for his own, or has attempted or shall attempt, by his testimony, to substitute for the child of any other claimant, the child of another Indian, the name of such claimant so attempting to make such substitution, shall be stricken from the list of claimants. *Approved, February 22d, 1838.*

CHAP. 24. An act to prevent the abatement of suits and actions now pending, in which the late Bank of the United States may be a party.

No suit, etc. in which the late Bank of the U. S. is a party shall abate, etc. by reason of the expiration of the two years after the expiration of the charter.

Act of 1816, c. 44, vol. 3, p. 1559.

§ 1. *Be it enacted, &c.*, That no suit, action, judgment or decree, now pending and unsatisfied, in which the late Bank of the United States is a party, plaintiff or defendant, shall abate, or be discontinued or dismissed, by reason of the expiration of the two years after the expiration of the charter, limited by the twenty-first section of the act of incorporation of the said bank, for the use of the corporate name, style and capacity of said bank, for the purpose of suits for the final settlement and liquidation of the affairs and accounts of the corporation; but all such suits, actions, judgments and decrees, shall be allowed to proceed to final judgment, execution, satisfaction and settlement, as if the said two years had not expired.

Approved, March 2d, 1838.

CHAP. 25. An act to change the time of holding the terms of the circuit court of the United States for the eastern district of Virginia, and of the district court of the United States for the eastern district of Virginia, directed by law to be held in the city of Richmond.

Spring term of the Circuit Court to commence on 18th May, and the fall term on 18th November, in each year.

§ 1. *Be it enacted, &c.*, That, hereafter, the spring term of the circuit court of the United States for the eastern district of Virginia shall commence on the eighteenth day of May, and the fall term on the eighteenth of November, in each year, instead

of the twenty-second of May and the twenty-second of November, as is now provided by law.

§ 2. *And be it further enacted*, That the terms of the district court of the United States for the eastern district of Virginia, which are now directed by law to commence on the fifteenth day of May and the fifteenth of November, in each year, shall hereafter commence on the twelfth day of May and the twelfth day of November, in each year: *Provided, nevertheless*, That, whenever the day on which the terms of either of the said circuit or district court, as herein provided for, shall happen to be Sunday, then the term of said court shall commence on the following day.

Terms of Dist. Court to commence on 12th May and 12th November in each year.

Provide.

§ 3. *And be it further enacted*, That all proceedings and process depending in or issuing out of either of the said courts, which are or may be made returnable to any other time appointed for holding the same than that above specified, shall be deemed legally returnable on the days hereinbefore prescribed, and not otherwise. And all suits and other proceedings in either of the said courts which stand continued to any other time than that above specified, shall be deemed continued to the time prescribed by this act, and no other. *Approved, March 2d, 1838.*

All proceedings, etc. to be deemed returnable on the days hereinbefore prescribed for holding said Courts.

CHAP. 41. An act supplementary to an act entitled "An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned," approved twentieth of April, eighteen hundred and eighteen.

§ 1. *Be it enacted, &c.* That the several collectors, naval officers, surveyors, inspectors of customs, the marshals, and deputy marshals of the United States, and every other officer who may be specially empowered for the purpose by the President of the United States, shall be, and they are hereby respectively authorized and required to seize and detain any vessel or any arms or munitions of war which may be provided or prepared for any military expedition or enterprise against the territory or dominions of any foreign Prince or State, or of any colony, district or people contiguous with the United States, and with whom they are at peace, contrary to the sixth section of the act passed on the twentieth of April, eighteen hundred and eighteen, entitled, "An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned," and retain possession of the same until the decision of the President be had thereon, or until the same shall be released as hereinafter directed.

Act of 1816, c. 83, vol. 4, p. 1004. Collectors, &c. required to seize any vessel, etc. which may be provided for any military expedition against the territory of any foreign Prince, etc. contiguous and at peace, with the U. S. contrary to 6 sec. act 30 Apl. 1818, and to retain possession until, etc.

§ 2. *And be it further enacted*, That the several officers mentioned in the foregoing section shall be, and they are hereby respectively authorized and required to seize any vessel or vehicle, and all arms or munitions of war, about to pass the frontier of the United States for any place within any foreign State or colony, contiguous with the United States, where the character of the vessel or vehicle, and the quantity of arms and munitions, or to believe that

Said officers required to seize any vessel, etc. about to pass the frontier of the U. S. for any place within a foreign state, etc. contiguous with the U. S. where there is probable cause to believe that

said vessel, &c. are intended to be employed in carrying on a military expedition, etc. within the territory of any foreign prince, etc. continuous and at peace, with the U. S., and to detain the same until, etc.

Proviso.

Officers making seizures under this act shall apply to the district judge for a warrant to justify the detention of the property seized; which warrant shall be granted on oath, etc.: and if not issued within ten days the property shall be restored. But if said warrant issue the property shall be detained until, etc.

The owner of property seized may file his petition in the circuit or dist. court U. S. in the dist. where the seizure was made; whereupon the court shall proceed to decide upon the case.

The circuit and dist. courts invested with power to try all cases arising under this act, etc.

other circumstances shall furnish probable cause to believe that the said vessel or vehicle, arms, or munitions of war are intended to be employed by the owner or owners thereof, or any other person or persons, with his or their privity, in carrying on any military expedition or operations within the territory or dominions of any foreign prince or State, or any colony, district, or people continuous with the United States, and with whom the United States are at peace, and detain the same until the decision of the President be had for the restoration of the same, or until such property shall be discharged by the judgment of a court of competent jurisdiction: *Provided*, That nothing in this act contained be so construed as to extend to, or interfere with any trade in arms or munitions of war, conducted in vessels by sea with any port or place whatsoever, or with any other trade which might have been lawfully carried on before the passage of this act, under the law of nations and the provisions of the act hereby amended.

§ 3. *And be it further enacted*, That it shall be the duty of the officer making any seizure under this act, to make application, with due diligence, to the district judge of the district court of the United States within which such seizure may be made, for a warrant to justify the detention of the property so seized; which warrant shall be granted only on oath or affirmation, showing that there is probable cause to believe that the property so seized is intended to be used in a manner contrary to the provisions of this act; and if said judge shall refuse to issue such warrant, or application therefor shall not be made by the officer making such seizure within a reasonable time, not exceeding ten days thereafter, the said property shall forthwith be restored to the owner. But if the said judge shall be satisfied that the seizure was justified under the provisions of this act, and issue his warrant accordingly, then the same shall be detained by the officer so seizing said property, until the President shall order it to be restored to the owner or claimant, or until it shall be discharged in due course of law, on the petition of the claimant, as hereinafter provided.

§ 4. *And be it further enacted*, That the owner or claimant of any property seized under this act, may file his petition in the circuit or district court of the United States in the district where such seizure was made, setting forth the facts in the case; and thereupon such court shall proceed, with all convenient despatch, after causing due notice to be given to the district attorney and officer making such seizure, to decide upon the said case, and order restoration of property, unless it shall appear that the seizure was authorized by this act: and the circuit and district courts shall have jurisdiction, and are hereby vested with full power and authority, to try and determine all cases which may arise under this act; and all issues in fact arising under it, shall be decided by a jury in the manner now provided by law.

§ 5. *And be it further enacted*, That whenever the officer making any seizure under this act shall have applied for and obtained a warrant for the detention of the property, or the claimant shall have filed a petition for its restoration, and failed to obtain it, and the property so seized shall have been in the custody of the officer for the term of three calendar months from the date of such seizure; it shall and may be lawful for the claimant or owner to file with the officer a bond to the amount of double the value of the property so seized and detained, with at least two sureties, to be approved by the judge of the circuit or district court, with a condition that the property, when restored, shall not be used or employed by the owner or owners thereof, or by any other person or persons with his or their privacy, in carrying on any military expedition or operations within the territory or dominions of any foreign prince or state, or any colony, district, or people, conterminous with the United States, with whom the United States are at peace; and thereupon the said officer shall restore such property to the owner or claimant thus giving bond: *Provided*, That such restoration shall not prevent seizure from being again made, in case there may exist fresh cause to apprehend a new violation of any of the provisions of this act.

Whenever the officer shall have obtained a warrant for the detention of property seized, or the claimant shall not have obtained its restoration by petition and it shall have been detained 3 months, the claimant may file a bond with the officer for double the value of the property, &c., and thereupon said officer shall restore the property.

Provido.

§ 6. *And be it further enacted*, That every person apprehended and committed for trial, for any offence against the act hereby amended, shall, when admitted to bail for his appearance, give such additional security as the judge admitting him to bail may require, not to violate, nor to aid in violating, any of the provisions of the act hereby amended.

Persons admitted to bail shall give such additional security not to violate the provisions of the act hereby amended as the judge may require.

§ 7. *And be it further enacted*, That whenever the President of the United States shall have reason to believe that the provisions of this act have been, or are likely to be violated, that offences have been, or are likely to be, committed against the provisions of the act hereby amended, within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and district attorney, of such district, to attend at such place within the district, and for such time, as he may designate, for the purpose of the more speedy and convenient arrest and examination of persons charged with the violation of the act hereby amended; and it shall be the duty of every such judge, or other officer, when any such requisition shall be received by him, to attend at the place and for the time therein designated.

The President authorized to direct the judge, &c., to attend at such place, within the district, as he may designate, for the more speedy arrest and examination of persons charged with the violation of the act hereby amended, &c.

§ 8. *And be it further enacted*, That it shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation, and to enforce the due execution, of this act, and the act hereby amended.

The President, etc., may employ the land or naval forces, or the militia, to prevent the violation, etc. of this act, etc.

§ 9. *And be it further enacted*, That this act shall continue in force for the period of two years, and no longer. *Approved*, March 10th. 1838.

This act limited to two years.

CHAP. 43. An act to change the times of holding the circuit and district courts of the United States in the seventh circuit.

Times of holding the circuit and dist. courts U. S. in the districts of Indiana, Illinois, and Michigan.

§ 1. *Be it enacted, &c.* That the circuit and district courts of the United States shall be held in the district of Indiana, at the seat of Government in said State, on the third Mondays of May and November; at the seat of Government in the district of Illinois on the first Mondays of June and December; in the district of Michigan, at the seat of Government in said State, on the third Monday in June and the first Monday in November; and in the district of Ohio, at the seat of Government in said State, on the first Monday of July, and the third Monday in December, and all recognizances entered into, and all mesne and final process, which have been issued, or which shall hereafter be issued, shall be returnable in the respective districts to the first term as above established: And it shall be the duty of the circuit judge, to attend one circuit court in each year, in the districts of Indiana, Illinois, and Michigan, and should any question of law be raised, in any case, in the absence of the circuit judge, the district judge may, at his discretion, adjourn the cause to the succeeding term of the circuit court. *Approved, March 10th, 1838.*

All recognizances, etc., shall be returnable to the first term as above established.

Circuit judge shall attend one circuit court every year. On a question of law, etc., the dist. judge may adjourn the cause.

CHAP. 44. An act to continue in force an act therein mentioned, relating to the port of Baltimore.

Act of 1800, c. 15, vol. 1, p. 731.

The act passed 17th March 1800, so far as relates to the act of Maryland, continued to 3d March 1843.

§ 1. *Be it enacted, &c.* That the act passed the seventeenth day of March, in the year one thousand eight hundred, entitled "An act declaring the assent of Congress to certain acts of the States of Maryland and Georgia," and which, by subsequent acts, has been revived and continued in force until the third day of March, one thousand eight hundred and thirty-eight, be, and the same, so far as it relates to the act of Maryland, is hereby, revived and continued in force until the third day of March, one thousand eight hundred and forty-three: *Provided*, That nothing herein contained shall authorize the demand of a duty on tonnage on vessels propelled by steam, employed in the transportation of passengers. *Approved, March 19th, 1838.*

Proviso.

CHAP. 56. An act to restore circuit jurisdiction to the district courts of the Western district of Virginia.

Act of 1837, c. 402, vol. 4, p. 2536.

So much of 3d section, act 3d, March 1837 as repeals all acts conferring circuit court jurisdiction on certain district courts, repealed so far as relates to the courts of the western district of Virginia.

§ 1. *Be it enacted, &c.* That so much of the third section of the act entitled "An act supplementary to the act entitled "An act to amend the judicial system of the United States," approved March third, eighteen hundred and thirty-seven, as repeals all former acts, or parts of acts, conferring circuit court jurisdiction on certain district courts therein named, be, and the same is hereby, repealed, so far as relates to the courts of the western district of Virginia; and that the district courts of that district exercise the same jurisdiction with which it was invested previous to the passage of said act.

§ 2. *And be it further enacted*, That all causes transferred by authority of said act from the said district courts to the circuit court, directed by law to be held in the town of Lewisburg, in the State of Virginia, and which remain undetermined, be removed back to the district courts from whence they were transferred, to be there finally determined.

All causes transferred from said dist. courts to circuit court at Lewisburg removed back, etc.

§ 3. *And be it further enacted*, That appellate jurisdiction from the judgments or decrees of the said district courts of the western district of Virginia, as now authorized by law, shall be exercised by the said circuit court at Lewisburg. *Approved, March 28th, 1838.*

Appellate jurisdiction from said dist. courts to be exercised by circuit court at Lewisburg.

CHAP. 66. An act directing the transfer of money remaining unclaimed by certain pensioners, and authorizing the payment of the same at the Treasury of the United States.

§ 1. *Be it enacted, &c.*, That all money which has been, or may hereafter be, transmitted to the agents for paying pensions, which may have remained, or may hereafter remain, in the hands of said agents unclaimed by any pensioner or pensioners for the term of eight months after the same may have or may become due and payable, shall be transferred to the Treasury of the United States; and that all pensions unclaimed as aforesaid, shall be thereafter payable only at the Treasury of the United States, and out of any money not otherwise appropriated.

All money after having remained in the hands of an agent unclaimed by any pensioner eight months after having become due shall be transferred to the Treasury, and all pensions unclaimed as aforesaid shall be payable only at the Treasury.

§ 2. *And be it further enacted*, That the transfer directed by the first section of this act shall be made by the draft of the Commissioner of Pensions upon the agents for paying pensions, and in favor of the Treasurer of the United States; and that the form of said draft shall be prescribed by the Secretary of War. *Approved, April 6th, 1838.*

The transfer to be made by the draft of the Com. of Pensions, &c.

Form of draft to be prescribed by the Sec. War.

CHAP. 67. An act to amend the act for quieting possessions, enrolling conveyances, and securing the estates of purchasers, within the District of Columbia, passed the thirty-first day of May, eighteen hundred and thirty-two.

Act of 1832, c. 118, vol. 4, p. 258.

§ 1. *Be it enacted, &c.*, That the clerks of the circuit court of the District of Columbia, and their deputies, in their respective counties, shall be, and are hereby, authorized and required to admit to record any conveyance whereby a right, title, or interest, in real estate is conveyed, or purports to be, lying within the limits of their respective counties, upon the certificate under seal of any two justices of the peace of any State or Territory of the United States, or of the District of Columbia, annexed to such deed, and to the following effect, to wit:

Clerks of circuit court D. C. required to admit to record any conveyance whereby a right, &c. in real estate is conveyed, &c., upon the certificate of two justices of the peace in the following form.

—County [or Corporation, &c.] to wit:

Form of certificate.

We, A B and C D, justices of the peace in and for the county [or corporation, or parish, or district,] aforesaid, in the State [or Territory, or district,] of — do hereby certify that E F, a party [or E F and G H, &c. parties,] to a certain deed, bearing date on the — day of — and hereto annexed, personally

appeared before us in our county [or corporation, &c.] aforesaid, the said E F [or E F and G H, &c.] being personally well known to us, as [or proved by the oaths of credible witnesses before us to be] the person [or persons] who executed the said deed, and acknowledged the same to be his, [her, or their] act and deed. Given under our hands and seals, this — day of —

A. B. [SEAL.]

C. D. [SEAL.]

Provido.

Provided, That, when such acknowledgment shall be taken before any justices of the peace beyond the limits of the District of Columbia, there shall accompany such certificate of acknowledgment a certificate of the clerk or other public officer having official cognizance of the fact, under his official seal, that such persons were, at the date of their said certificate, in fact, justices as they purport to be.

All conveyances, &c., (except,) delivered to be recorded within six months, shall take effect from the time of acknowledgment; but deeds of trust and mortgages whenever delivered, and other conveyances not delivered within six months, shall take effect as to all subsequent purchases, without notice, and as to creditors from the time of being delivered to be recorded only.

§ 2. *And be it further enacted, That every conveyance, covenant, agreement and other deed, (except deeds of trust and mortgages,) which shall be acknowledged or proved, and certified, according to law, and delivered to the clerk of the proper court, to be recorded within six months after the sealing and delivery thereof, shall take effect and be valid as to all persons from the time of such acknowledgment or proof; but all deeds of trust and mortgages, whenever they shall be delivered to the clerk of the proper court to be recorded, and all other conveyances, covenants, agreements, and deeds, which shall not be acknowledged, proved, or certified, and delivered to the clerk of the proper court to be recorded within six months after the sealing and delivering thereof, shall take effect and be valid, as to all subsequent purchasers for valuable consideration, without notice, and as to all creditors, from the time when such deed of trust or mortgage, or such other conveyance, covenant, agreement, or deed, shall have been so acknowledged, proved, or certified, and delivered to the clerk of the proper court to be recorded, and from that time only: *Provided, however, That, if two or more deeds containing the same property, after having been so acknowledged, or proved and certified, be delivered to the clerk to be recorded on the same day, that which shall have been first sealed and delivered shall have preference in law.**

Provido.

Title-bonds, &c., in relation to land, may be proved, &c., in the same manner as deeds for its conveyance, &c.

§ 3. *And be it further enacted, That every title-bond, or other written contract in relation to land, may be proved, acknowledged, certified, and recorded, in the same manner as deeds for the conveyance of land; and such proof or acknowledgment, and certificate, and the delivery of such bond or contract to the clerk of the proper court, to be recorded, shall be taken and held to be notice to all subsequent purchasers of the existence of such bond or contract.*

If any feme covert, party to a deed relinquishing her right of dower, &c., before two justices of the peace, and

§ 4. *And be it further enacted, That if any feme covert shall be a party executing such deed and shall only be relinquished her right of dower in such estate or interest, or when a husband and his wife shall have sealed and delivered a writing purporting*

to be a conveyance of any estate or interest, and such feme covert shall appear before any two justices of the peace of any State or Territory of the United States, or of the District of Columbia, and, being by them examined privily and apart from her husband, and having the deed fully explained to her, shall acknowledge the same to be her act and deed, and shall declare that she had willingly signed, sealed, and delivered the same, and that she wished not to retract it; and such privy examination, acknowledgment, and declaration, shall be certified by such justices under their hands and seals, by a certificate annexed to such writing, and to the following effect; that is to say:

— county [or corporation, &c.] to wit:

We, A B and C. D, justices of the peace in the county [or corporation, &c.] aforesaid, in the State [or Territory, &c.] of —, do hereby certify that E F the wife of G H, party to a certain deed bearing date on the — day of — and hereunto annexed, personally appeared before us in our county [or corporation, &c.] aforesaid, the said E F, being well known to us as [or proved by the oaths of credible witnesses before us to be] the person who executed the said deed, and being by us examined, privily and apart from her husband, and having the deed aforesaid fully explained to her, she, the said E F, acknowledged the same to be her act and deed, and declared that she had willingly signed, sealed, and delivered the same, and that she wished not to retract it. Given under our hands and seals this — day of —.

A. B. [SEAL.]

C. D. [SEAL.]

And such certificate shall be offered for record to the clerk of the circuit court of the District of Columbia, in that county in which such deed ought to be recorded. It shall be the duty of such clerk to record the same accordingly; and when the privy examination, acknowledgment, and declaration of a married woman, shall have been so taken and certified, and delivered to the clerk to be recorded pursuant to the directions of this act, such deed shall be as effectual in law to pass her right, title, and interest, as if she had been an unmarried woman: *Provided* however, That no covenant or warranty contained in such deed hereafter executed shall in any manner operate upon any feme covert, or her heirs, further than to convey effectually from such feme covert and her heirs, her right of dower or other interest in real estate which she may have at the date of such deed.

§ 5. And be it further enacted, That all deeds heretofore recorded within the District of Columbia, and in the county wherein any lands, tenements and hereditaments are situated, which are conveyed in or by said deeds, on an acknowledgment before any two justices of the peace for said District, shall be good and effectual for the purpose or purposes therein mentioned, and valid as to all subsequent purchasers, and all creditors, from the passage of this act, *Provided*, said deeds were made

being examined shall acknowledge the same to be her act, &c. said justices shall annex to such writing a certificate in the following form.

Form of certificate.

When said certificate is recorded such deed shall be as effectual in law to pass her right, &c., as if she was an unmarried woman.

Proviso.

All deeds heretofore recorded in the D. C. upon an acknowledgment before two justices of the peace to be good, &c.

Proviso.

in good faith, and without an interest to commit a fraud upon creditors or bona fide subsequent purchasers. *Approved, April 20th, 1838.*

Act of 1837, c. 2. CHAP. 92. An act to authorize the issuing of Treasury notes to meet the current expenses of the Government.

Treasury notes to be issued, according to the provisions of act 12th Oct. 1837, in place of such notes as have been, or may be, issued under said act and cancelled.

§ 1. *Be it enacted, &c.,* That the Secretary of the Treasury, with the approbation of the President of the United States, is hereby authorized to cause Treasury notes to be issued, according to the provisions of, and subject to, all the conditions, limitations and restrictions contained in an act entitled "An act to authorize the issuing of Treasury notes," approved the twelfth day of October last, in place of such notes as have been, or may be, issued under the authority of the act aforesaid, and which have been, or may hereafter be, paid into the Treasury and cancelled. *Approved, May 21st, 1838.*

CHAP. 95. An act supplementary to the act entitled "An act concerning the District of Columbia."

Preamble.

Whereas the present Judge of the Orphan's Court, in and for the county of Washington, in the District of Columbia, is, by reason of age and infirmity, disqualified for the due and proper discharge of the duties of his office :

An additional Judge to be appointed for the Orphan's Court of Washington county; who shall have the same powers, &c. as the present Judge.

§ 1. *Be it enacted, &c.,* That, there shall be appointed in and for the county of Washington, an additional Judge of the Orphan's Court, who shall take an oath for the faithful and impartial discharge of the duties of his office ; and who shall have the same powers, perform the same duties and receive the same salary, as are exercised, performed and received by the present Judge of the said Orphan's Court.

The powers of the Orphan's Court vested in the two Judges jointly. After the death, &c. of the present Judge the said Orphan's Court to consist of one Judge.

§ 2. *And be it further enacted,* That during the life or continuance in office of the present Judge of the said Orphan's Court, the powers of the said Orphan's Court shall be vested in the said two Judges jointly, or may be exercised by the said additional Judge separately, as provided in the foregoing section ; and that after the death or resignation of the present Judge, the said Orphan's Court shall consist of a single Judge as heretofore. *Approved, May 25th, 1838.*

CHAP. 98. An act to extend the charter of the Union Bank of Georgetown, in the District of Columbia.

Preamble.

Whereas, it appears that an extension of the charter of the Union Bank of Georgetown beyond the first day of July, eighteen hundred and thirty-eight, together with some amendment thereof, is necessary to enable the said corporation the better to close its concerns, redeem its obligations, and collect its debts ; and the extension and amendment as aforesaid have

been asked by the said corporation for the purposes above specified and for none other: Now therefore,

§ 1. *Be it enacted, &c.* That the charter of the said corporation be extended until the first of July, eighteen hundred and forty-two, so as further to grant, continue, and reassure to said corporation the rights and privileges thereof, upon the conditions and with the limitations in said charter specified, and with certain exceptions and other conditions and limitations hereinafter to be named, until the day and year last mentioned.

Charter of the Union Bank of Georgetown extended to the 1st July, 1842.

§ 2. *And be it further enacted,* That on the first Monday in April next, and thereafter, the number of directors of the Union Bank shall be reduced to four, together with a president, to be elected as now provided by the charter of said bank, any one of which directors, together with the president, shall constitute a board to do the business of the bank.

On the first Monday in April next, the number of Directors shall be reduced to four, &c.

§ 3. *And be it further enacted,* That the president and directors of said bank may call a meeting of the stockholders of said bank, in such manner as shall be prescribed by the laws and ordinances of said corporation, and at such time as they may select, for the purpose of electing a trustee or trustees, (not exceeding three,) to whom shall be granted, until the first of July, eighteen hundred and forty-two, (should a majority of the votes present so decide,) the management of the concerns of said bank, together with the powers relating thereto, as fully and with the same limitations, together with others hereinafter to be named, as they are now given to the president and directors of the said corporation. And should it be the pleasure of the said stockholders, signified as aforesaid, to make the said change in the direction and management of the said bank, the trustee or trustees shall be elected in the same manner as is prescribed by the charter of said corporation for the election of directors. In such case as made and provided, the president and directors then being shall select a commissioner to convey to such trustee or trustees all the property, real and personal, of said corporation, and all its choses in action, its rights and interests of every description, whether in litigation or not, upon the condition, first, of discharging all the debts due from said corporation; and, after the satisfaction of this trust, upon such other trusts, conditions and limitations, not inconsistent with the general laws for the government of the District of Columbia, or with their said charter, as herein amended, as they may see fit to prescribe in the conveyance by which they appoint the said trustee or trustees: *Provided, however,* That the charter of the said corporation, as now amended, shall be voidable, upon any act of the said trustee or trustees, for which it might be avoided if it had been committed by the president and directors of said corporation: *And provided also,* That nothing herein contained shall be construed as to incapacitate the president and directors of said bank in being at the time of said election, from receiving at that election the ap-

The president and directors may call a meeting of the stockholders, for the election of a trustee or trustees, to whom shall be granted (if so decided,) the management of the bank's concerns, etc.

Should the said change be made the trustees shall be elected in the same manner as the president and directors.

And the president shall select a commissioner to convey to the trustee or trustees all the property, etc.

Provide.

Further provide.

pointment of trustee or trustees, and taking to him or them the deed of trust aforesaid, which may provide, if three trustees be selected, that any one or two may act in the case of the death or removal from the trust of the others.

After 1st July 1838, no bills, etc. payable to bearer, shall be issued; no deposits, except from a stockholder, received; and no obligations entered into, except, etc.

§ 4. *And be it further enacted*, That the said corporation shall not after the first day of July, eighteen hundred and thirty-eight, issue or re-issue any bills, notes, or checks, payable to bearer; nor shall they issue certificates of deposit, payable to bearer; nor shall they receive any money or other property from any other corporation or from any person other than one of its stockholders, on deposit, and under an obligation to return it; nor shall the said corporation at any time after the first of July, eighteen hundred and thirty-eight, receive or enter into any new obligations or liabilities other than such deeds or assignments as may be necessary to convey away absolutely the property, real or personal, of the said bank, or other than the renewal from time to time of existing debts due said corporation on the receipt of partial payments, and the taking of such obligations, additional assurances, new liens, or new sureties, as may be necessary and proper for securing the collection of debts due to the said bank on the first of July, eighteen hundred and thirty-eight, and for enforcing the performance of obligations created on or before the day and year last aforesaid: *Provided, however*, That nothing herein contained shall prevent the said corporation from employing such officers and agents as may be necessary for transacting its affairs.

Proviso.

Nothing herein contained shall be so construed as to impair the obligations, etc. of the corporation; but all suits, etc. shall proceed without abatement, etc.

§ 5. *And be it further enacted*, That nothing herein contained shall be so construed as to destroy or in any manner impair the force of the obligations, rights, and liabilities, to or from the said corporation; but, on the contrary, all suits, bills, complaints, informations, actions, whether legal or equitable, judgments, decrees, and executions, by or against said corporation, shall proceed without abatement, discontinuance, or necessity for revivor, in due course of law, as if no change had been hereby made in the affairs of said corporation, and as if the charter by original creation had extended to the first of July, eighteen hundred and forty-two; and in all actions, legal or equitable, and in all process by or against said corporation, the name and style thereof shall remain the same: *Provided however*, That if a trustee or trustees should be elected, all summons, notices and other process, legal or equitable, shall afterwards be served upon him or them in the same manner as before they were served upon the president and other officers of said bank; but all acquittances for debts due to the said corporation, in any manner whatsoever, must be given by the said trustee or trustees after their appointment by deed as aforesaid; and in that case, and after that event, no payment, except to him or them, or to his or their authorized agents, shall operate as a discharge of the obligation or debt due to said corporation. Any creditor of said corporation who shall

Proviso.

obtain executions or attachments upon any decree or judgment, may levy the same upon any property, real or personal, subject in its nature to such execution or attachment, and conveyed by the said corporation, as hereinafter mentioned, to such trustee or trustees; and if not enough of such property be found to satisfy the debt, then the said trustee or trustees shall be personally liable for the same, to the extent to which he or they may have received property, real, personal, or mixed, from said corporation, (estimated at the time of conveyance without interest,) and may not have applied the same to the payment of debts due from said corporation.

§ 6. *And be it further enacted*, That the said trustee, or trustees, should they be appointed, may prosecute, after the first day of July, eighteen hundred and forty-two, any action, legal or equitable, or judgment, decree, attachment, and execution, then in existence, or then pending in any court having competent jurisdiction of the subject, without abatement; discontinuance, or necessity for revivor, in the same manner as if such corporation were still in existence for the uses and trusts of the deed herein-before mentioned, and under which they derive this authority. Any person purchasing from the trustees their rights and interests in said actions, legal or equitable, judgments, decrees, or executions, shall be substituted in the said privilege of prosecuting their claims in manner aforesaid, in the name of the said corporation, and for his own benefit.

Said trustee or trustees, if appointed, may, after 1st July 1842, prosecute any action, &c. without abatement, &c.

And all actions, legal or equitable, judgments, decrees, attachments, and executions, against said corporation, which may be pending in any court having competent jurisdiction of the subject, on the first of July, eighteen hundred and forty-two, may proceed according to the forms of law, without abatement, discontinuance, or necessity for revivor, in the same manner as if said corporation were still in existence: *Provided, however*, That the said trustee or trustees after the first of July, eighteen hundred and forty-five, shall not be liable for any debt due from the said corporation to others than stockholders, except in those cases in which judgments, decrees, attachments, or executions are obtained upon them in actions, whether legal or equitable, which were instituted before the day and year last mentioned.

Persons purchasing the rights &c. of the trustees in said actions, &c. may prosecute their claims in the manner aforesaid, &c.

All actions, &c. against said corporation, which may be pending on 1st July, 1842, may proceed without abatement, &c.

Provido.

§ 7. *And be it further enacted*, That in the event of a selection of a trustee or trustees as aforesaid, it shall be their duty to advertise the fact for eight weeks successively in two of the newspapers published in the District, one of which shall be selected in Washington and the other in Alexandria. And it shall also be the duty of the said trustee or trustees to cause a copy of the deed conveying to them in trust as aforesaid to be recorded in the clerk's office of the court for the county of Washington, District of Columbia, and also to forward a copy of the same to the Secretary of State for the United States.

In the event of a selection of a trustee or trustees, they shall advertise the fact, &c.

Also cause the deed of trust aforesaid to be recorded in off. clk. ct. and a copy to be sent to Sec. State.

§ 8. *And be it further enacted*, That unless the president

Unless the pres.

ident and directors, on behalf of the stockholders, etc. file, with the Sec. of the Treas. within six months a declaration, assenting to the charter, the corporation shall forfeit all right to the extension.

and directors for the time being of the said corporation shall, on behalf of the stockholders, and in virtue of an authority from them, or from a majority in interest and number of them, file their declaration, in writing, in the office of the Secretary of the Treasury, within six months from the passage of this act, assenting to and accepting the extension of the charter hereby granted, under the terms, conditions, and limitations contained in this act, then the said corporation shall forfeit all right to an extension of charter.

This act to be considered a public act; and acts repugnant hereto repealed.

§ 9. *And be it further enacted*, That this act shall be considered a public act; and so much and such parts of any act or acts heretofore passed in relation to said corporation as may be repugnant to this act, be, and the same are hereby, repealed and annulled. *Approved, May 25th, 1838.*

CHAP. 101. An act to continue the corporate existence of the Banks in the District of Columbia.

Charters of Farmers and Mechanic's Bank, Bank of the Metropolis, Patriotic Bank, Bank of Washington, Farmer's Bank, and Bank of Potomac, extended to 4th July, 1840. Proviso.

§ 1. *Be it enacted, &c.* That the charters of the Farmers and Mechanic's Bank of Georgetown, the Bank of the Metropolis, Patriotic Bank of Washington, and Bank of Washington, in the city of Washington, and the Farmer's Bank of Alexandria, and Bank of Potomac, in the town of Alexandria, be, and the same are hereby, extended to the fourth day of July, in the year eighteen hundred and forty: *Provided*, The said banks, each for itself, shall conform to the following conditions:

First. To cease receiving or paying out all paper currency of less denomination than five dollars, on or before the day of the promulgation of this act.

Second. To redeem all their notes of the denomination of five dollars in gold and silver, from and after the first day of August, in the present year.

Third. To resume specie payments in full, on or before the first day of January, in the year one thousand eight hundred and thirty-nine, or sooner, if the principal banks of Baltimore and Richmond should sooner resume specie payments in full.—

Approved, May 31st, 1838.

CHAP. 103. An act to repeal certain provisos of "An act to alter and amend the several acts imposing duties on imports," approved the fourteenth day of July, eighteen hundred and thirty-two.

Act of 1838, c. 294, vol. 4, p. 2317.

The proviso of the 10th and 12th clauses of the 2d section, repealed.

§ 1. *Be it enacted, &c.* That the provisos of the tenth and twelfth clauses of the second section of the act to alter and amend the several acts imposing duties on imports, passed July the fourteenth, eighteen hundred and thirty-two, be, and the same are hereby repealed. *Approved, May 31st, 1838.*

CHAP. 106. An act to divide the Territory of Wisconsin and to establish the Territorial Government of Iowa.

§ 1. *Be it enacted, &c.* That from and after the third day of

July next, all that part of the present Territory of Wisconsin which lies west of the Mississippi river, and west of a line drawn due North from the head waters or sources of the Mississippi to the Territorial line, shall, for the purposes of temporary Government, be and constitute a separate Territorial Government by the name of Iowa; and that from and after the said third day of July next, the present Territorial Government of Wisconsin shall extend only to that part of the present Territory of Wisconsin which lies east of the Mississippi river. And after the said third day of July next, all power and authority of the Government of Wisconsin, in and over the Territory hereby constituted shall cease: *Provided*, That nothing in this act contained shall be construed to impair the rights of person or property, now appertaining to any Indians within the said Territory so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to impair the obligations of any treaty now existing between the United States and such Indians, or to impair or otherwise to affect the authority of the Government of the United States to make any regulations respecting such Indians, their lands, property, or other rights, by treaty or law, or otherwise, which it would have been competent to the Government to make if this act had never been passed: *Provided*, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing the Territory hereby established into one or more other Territories in such manner and at such times as Congress shall, in its discretion, deem convenient and proper, or from attaching any portion of said Territory to any other state or Territory of the United States.

What part of the present Territory of Wisconsin, shall, after 3d July next, constitute the Territory of Iowa.

The authority of Wisconsin, over the territory hereby constituted, to cease after 3d July next. *Provided*.

Provided.

§ 2. *And be it further enacted*, That the executive power and authority in and over the said Territory of Iowa shall be vested in a Governor, who shall hold his office for three years, unless sooner removed by the President of the United States. The Governor shall reside within the said Territory, shall be commander-in-chief of the militia thereof, shall perform the duties and receive the emoluments of superintendent of Indian affairs, and shall approve of all laws passed by the Legislative Assembly before they shall take effect; he may grant pardons for offences against the laws of the said Territory, and reprieves for offences against the laws of the United States, until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said Territory, and shall take care that the laws be faithfully executed.

Executive power vested, in a Governor, to be appointed for three years, &c.

Powers and duties of the Governor.

§ 3. *And be it further enacted*, That there shall be a Secretary of the said Territory, who shall reside therein, and hold his office for four years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the Legislative Assembly hereinafter constituted, and all the acts and proceedings of the Governor in his execu-

A Sec. of the Terr. to be appointed for four years, &c.

Duties of the Secretary.

tive department; he shall transmit one copy of the laws and one copy of the executive proceedings, on or before the first Monday in December in each year, to the President of the United States, and, at the same time, two copies of the laws to the Speaker of the House of Representatives, for the use of Congress. And in case of the death, removal, resignation, or necessary absence of the Governor from the Territory, the Secretary shall have, and he is hereby authorized and required to execute and perform all the powers and duties of the Governor during such vacancy or necessary absence, or until another Governor shall be duly appointed to fill such vacancy.

The Secretary to act as Governor in case of a vacancy.

Legislative power vested in the Govr. and a Legislative Assembly.

Legislative Assembly to consist of a council and House of Reps. Council.

House of Reps.

Apportionment of representation.

Members to be inhabitants of the dist. which elected. Previous to the first election the Govr. to have the census taken, unless, &c.

First election, to be held, &c. as the Gov. shall direct, &c.

Govr. to declare the persons having the greatest number of votes to be elected.

Proviso.

§ 4. And be it further enacted, That the legislative power shall be vested in the Governor and a Legislative Assembly. The Legislative Assembly shall consist of a Council and House of Representatives. The Council shall consist of thirteen members, having the qualifications of voters as hereinafter prescribed, whose term of service shall continue two years. The House of Representatives shall consist of twenty-six members possessing the same qualifications as prescribed for the members of the Council, and whose term of service shall continue one year. An apportionment shall be made as nearly equal as practicable, among the several counties, for the election of the Council and Representatives giving to each section of the Territory representation in the ratio of its population, Indians excepted, as nearly as may be. And the said members of the Council and House of Representatives shall reside in and be inhabitants of the district for which they may be elected. Previous to the first election, the Governor of the Territory shall cause the census or enumeration of the inhabitants of the several counties in the Territory to be taken, and made by the sheriffs of the said counties, respectively, unless the same shall have been taken within three months previous to the third day of July next, and returns thereof made by said sheriffs to the Governor. The first election shall be held at such time and place, and be conducted in such manner as the Governor shall appoint and direct; and he shall at the same time, declare the number of members of the Council and House of Representatives to which each of the counties or districts are entitled under this act. The number of persons authorized to be elected having the greatest number of votes in each of the said counties or districts for the Council, shall be declared by the said Governor to be duly elected to the said Council; and the person or persons having the greatest number of votes for the House of Representatives, equal to the number to which each county may be entitled, shall also be declared by the Governor to be duly elected: *Provided*, The Governor shall order a new election when there is a tie between two or more persons voted for, to supply the vacancy made by such tie. And the persons thus elected to the Legislative Assembly shall meet at such place, and on such day as he shall appoint; but thereafter the time, place, and manner of holding and conducting all

elections by the people, and the apportioning the representation in the several counties to the Council and House of Representatives, according to population, shall be prescribed by law, as well as the day of the annual commencement of the session of the said Legislative Assembly; but no session in any year shall exceed the term of seventy-five days.

§ 5. *And be it further enacted*, That every free white male citizen of the United States, above the age of twenty-one years, who shall have been an inhabitant of said Territory at the time of its organization, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters at all subsequent elections, shall be such as shall be determined by the Legislative Assembly: *Provided*, That the right of suffrage shall be exercised only by citizens of the United States.

Qualifications of voters, &c., at the first election.

At all subsequent elections.

Proviso.

§ 6. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. All the laws of the Governor and Legislative Assembly shall be submitted to, and if disapproved by, the Congress of the United States, the same shall be null and of no effect.

Powers of the Legislature. Restrictions.

Laws to be submitted to Congress for approval.

§ 7. *And be it further enacted*, That all township officers, and all county officers, except judicial officers, justices of the peace, sheriffs, and clerks of courts, shall be elected by the people, in such manner as is now prescribed by the laws of the Territory of Wisconsin, or as may, after the first election, be provided by the Governor and Legislative Assembly of Iowa Territory. The Governor shall nominate and by and with the advice and consent of the Legislative Council, shall appoint all judicial officers, justices of the peace, sheriffs, and all militia officers, except those of the staff, and all civil officers not herein provided for. Vacancies occurring in the recess of the Council, shall be filled by appointments from the Governor, which shall expire at the end of the next session of the Legislative Assembly; but the said Governor may appoint, in the first instance, the aforesaid officers, who shall hold their offices until the end of the next session of the said Legislative Assembly.

Officers to be elected by the people.

Officers to be appointed by the Govr, with the advice and consent of the Legislative Council.

Vacancies occurring in the recess of the Council, how filled.

§ 8. *And be it further enacted*, That no member of the Legislative Assembly shall hold, or be appointed to, any offices created, or the salary and emoluments of which shall have been increased, whilst he was a member, during the term for which he shall have been elected, and for one year after the expiration of such term; and no person holding a commission or appointment under the United States, or any of its officers, except as a militia officer, shall be a member of the said Council or House of Representatives, or shall hold any office under the Government of the said Territory.

Disqualifications for office.

§ 9. *And be it further enacted*, That the judicial power of

Judicial power
vested in a su-
preme court, dis-
trict courts, and jus-
tices of the peace.
Supreme court.

the said Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief justice, and two associate judges, any two of whom shall be a quorum, and who shall hold a term at the seat of Government of the said Territory annually, and they shall hold their offices during the term of four years.

District courts.

The said Territory shall be divided into three judicial districts; and a district court or courts shall be held in each of the three districts, by one of the judges of the supreme court at such times and places as may be prescribed by law; and the said judges shall, after their appointment, respectively, reside in the districts which shall be assigned to them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts, and of the justices of the peace, shall be as limited by law: *Provided, however,* That justices of the peace shall not have jurisdiction of any matter of controversy, when the title or boundaries of land may be in dispute, or where the debt or sum claimed exceeds fifty dollars. And the said supreme and district courts, respectively, shall possess a chancery as well as a common law jurisdiction. Each district court shall appoint its clerk, who shall keep his office at the place where the court may be held, and the said clerks shall also be the registers in chancery; and any vacancy in said office of clerk happening in the vacation of said court, may be filled by the judge of said district, which appointment shall continue until the next term of said court. And writs of error, bills of exception, and appeals in chancery causes, shall be allowed in all cases, from the final decisions of the said district courts to the supreme court under such regulations as may be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in said court. The supreme court may appoint its own clerk, and every clerk shall hold his office at the pleasure of the court by which he shall have been appointed. And writs of error and appeals from the final decisions of the said supreme court shall be allowed and taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property, or the amount in controversy, to be ascertained by the oath or affirmation of either party, shall exceed one thousand dollars. And each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the constitution and laws of the United States, as is vested in the circuit and district courts of the United States. And the first six days of every term of the said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said constitution and laws. And writs of error and appeals from the final decisions of the said courts, in all such cases, shall be made to the supreme court of the Territory, in the same manner as in other cases. The said clerks shall receive in all such cases, the same fees which the clerk of the district courts of Wisconsin Territory now receives for similar services.

Jurisdictions
the several
courts.

Proviso.

§ 10. *And be it further enacted*, That there shall be an attorney for the said Territory appointed, who shall continue in office four years, unless sooner removed by the President, and who shall receive the same fees and salary as the attorney of the United States, for the present Territory of Wisconsin. There shall also be a marshal for the Territory appointed, who shall hold his office for four years, unless sooner removed by the President, who shall execute all process issuing from the said courts when exercising their jurisdiction as circuit and district courts of the United States. He shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees, as the marshal of the district court of the United States for the present Territory of Wisconsin; and shall, in addition, be paid the sum of two hundred dollars annually, as a compensation for extra services.

An attorney to be appointed for four years—his fees, etc.

A marshal to be appointed for four years—his duties, fees, etc.

§ 11. *And be it further enacted*, That the Governor, secretary, chief justice, and associate judges, attorney and marshal, shall be nominated, and by and with the advice and consent of the senate, appointed by the President of the United States. The Governor and secretary to be appointed as aforesaid, shall, before they act as such, respectively, take an oath or affirmation, before some judge or justice of the peace, in the existing Territory of Wisconsin, duly commissioned and qualified to administer an oath or affirmation, or before the chief justice, or some associate justice of the supreme court of the United States, to support the constitution of the United States, and for the faithful discharge of the duties of their respective offices, which said oaths when so taken, shall be certified by the person before whom the same shall have been taken, and such certificate shall be received and recorded by the said Secretary among the executive proceedings. And, afterwards, the chief justice and associate judges, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation before the said Governor or secretary, or some judge or justice of the Territory who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same to the Secretary to be by him recorded as aforesaid; and, afterwards, the like oath or affirmation, shall be taken, certified, and recorded, in such manner and form as may be prescribed by law. The Governor shall receive an annual salary of fifteen hundred dollars as Governor, and one thousand dollars as superintendent of Indian affairs. The said chief judge and associate justices shall each receive an annual salary of fifteen hundred dollars. The secretary shall receive an annual salary of twelve hundred dollars. The said salaries shall be paid quarterly at the treasury of the United States. The members of the Legislative Assembly shall be entitled to receive three dollars each per day, during their attendance at the sessions thereof; and three dollars each for every twenty miles travel in going to and returning from, the said sessions, estimated according to the nearest usually travelled route. There shall be appropriated, an-

Officers to be appointed by the president with the advice and consent of the Senate.

Governor and secretary to take an oath, etc.

Chief justice and associate judges, and all other civil officers to take an oath, &c.

Salary of the Governor.

Salary of the chief judge and associate justices.

Salary of the secretary.

Salaries how paid.

Pay of the members of the Legislative Assembly.

Contingent expenses of the Territory, etc.

nually, the sum of three hundred and fifty dollars, to be expended by the Governor to defray the contingent expenses of the Territory; and there shall also be appropriated, annually, a sufficient sum, to be expended by the Secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the Legislative Assembly, the printing of the laws, and other incidental expenses; and the secretary of the Territory shall annually account to the Secretary of the Treasury of the United States, for the manner in which the aforesaid sum shall have been expended.

Rights, etc. the same as granted to Wisconsin.

§ 12. *And be it further enacted*, That the inhabitants of the said Territory shall be entitled to all the rights, privileges and immunities heretofore granted and secured to the Territory of Wisconsin and to its inhabitants; and the existing laws of the Territory of Wisconsin shall be extended over said Territory, so far as the same be not incompatible with the provisions of this act, subject, nevertheless, to be altered, modified, or repealed, by the Governor and Legislative Assembly of the said Territory of Iowa; and further, the laws of the United States are hereby extended over, and shall be in force in said Territory, so far as the same, or any provisions thereof, may be applicable.

Existing laws of Wisconsin extended over Iowa, etc.

Laws U. S. extended over Iowa, etc.

§ 13. *And be it further enacted*, That the Legislative Assembly of the Territory of Iowa shall hold its first session at such time and place in said Territory as the Governor thereof shall appoint and direct; and at said session, or as soon thereafter as may by them be deemed expedient, the said Governor and Legislative Assembly shall proceed to locate and establish the seat of Government for said Territory, at such place as they may deem eligible, which place, however, shall thereafter be subject to be changed by the said Governor and Legislative Assembly. And the sum of twenty thousand dollars, out of any money in the Treasury not otherwise appropriated, is hereby granted to the said Territory of Iowa, which shall be applied by the Governor and Legislative Assembly thereof to defray the expenses of erecting public buildings at the seat of Government.

First session of the Legislative Assembly to be held when and where the Gov. shall direct. Governor and Legislative Assembly to locate and establish the seat of Govt.

\$20,000 appropriated for the erection of public buildings at the seat of Govt.

Delegates to the House of Reps. of the U. S.—how elected, etc.

§ 14. *And be it further enacted*, That a delegate to the House of Representatives of the United States to serve for the term of two years, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as have been granted to the delegates from the several Territories of the United States, to the said House of Representatives. The first election shall be held at such time and place or places, and be conducted in such manner as the Governor shall appoint and direct. The person having the greatest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given to the person so elected.

Suits, etc. undetermined on 3d July next in the dist. courts of Wisconsin, west of the Mississippi shall be transferred.

§ 15. *And be it further enacted*, That all suits, process, and proceedings, and all indictments and informations, which shall be undetermined on the third day of July next, in the district courts of Wisconsin Territory, west of the Mississippi river, shall

be transferred to be heard, tried, prosecuted and determined in the district courts hereby established, which may include the said counties.

§ 16. *And be it further enacted*, That all justices of the peace, constables, sheriffs, and all other executive and judicial officers, who shall be in office on the third day of July next, in that portion of the present Territory of Wisconsin which will then, by this act, become the Territory of Iowa, shall be, and are hereby authorized and required to continue to exercise and perform the duties of their respective offices, as officers of the Territory of Iowa, temporarily and until they, or others, shall be duly appointed to fill their places by the Territorial Government of Iowa, in the manner herein directed: *Provided*, That no officer shall hold or continue in office by virtue of this provision, over twelve months from the said third day of July next.

Judicial officers, in office on 3d July next, shall act temporarily until their places are filled by the Govt. of Iowa.

Provido.

§ 17. *And be it further enacted*, That all causes which shall have been or may be removed from the courts held by the present Territory of Wisconsin, in the counties west of the Mississippi river, by appeal or otherwise, into the supreme court for the Territory of Wisconsin, and which shall be undetermined therein on the third day of July next, shall be certified by the clerk of the said supreme court, and transferred to the supreme court of said Territory of Iowa, there to be proceeded in to final determination, in the same manner that they might have been in the said supreme court of the Territory of Wisconsin.

Causes removed from the courts of Wisconsin, west of the Mississippi into the supreme court of Wisconsin, undetermined on 3d July next, transferred to the supreme court of Iowa.

§ 18. *And be it further enacted*, That the sum of five thousand dollars be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by, and under the direction of the Governor of said Territory of Iowa, in the purchase of a library, to be kept at the seat of Government, for the accommodation of the Governor, Legislative Assembly, judges, secretary, marshal, and attorney of said Territory, and such other persons as the Governor and Legislative Assembly shall direct.

\$5,000 appropriated for the purchase of a library to be kept at the seat of Govt., etc.

§ 19. *And be it further enacted*, That from and after the day named in this act for the organization of the Territory of Iowa, the term of the members of the Council and House of Representatives of the Territory of Wisconsin, shall be deemed to have expired and an entirely new organization of the Council and House of Representatives of the Territory of Wisconsin as constituted by this act shall take place as follows: As soon as practicable after the passage of this act, the Governor of the Territory of Wisconsin shall apportion the thirteen members of the Council and twenty-six members of the House of Representatives among the several counties or districts comprised within said Territory, according to their population, as nearly as may be (Indians excepted.) The first election shall be held at such time as the Governor shall appoint and direct; and shall be conducted, and returns thereof made, in all respects, according to the provisions of the laws of said Territory, and the Governor shall

Term of the members of the Council and Ho. of Reps. of Wisconsin to expire on 3d July next; and a new organization to take place.

Appointment of the members of the Council and House of Reps.

First election, when held, how conducted, &c.

Time and place
of meeting.

declare the persons having the greatest number of votes to be elected, and shall order a new election when there is a tie between two or more persons voted for, to supply the vacancy made by such tie. The persons thus elected shall meet at Madison the seat of Government on such day as he shall appoint, but thereafter the apportioning of the representation in the several counties to the Council and House of Representatives according to population, the day of their election, and the day for the commencement of the session of the Legislative Assembly shall be prescribed by law.

Gov. of Iowa
may temporarily
define the judicial
districts, assign
the judges, and
appoint the times
of holding the
courts; but the
Legislative As-
sembly may alter
the same.

§ 20. *And be it further enacted*, That temporarily, and until otherwise provided by law of the Legislative Assembly, the Governor of the Territory of Iowa may define the judicial districts of said Territory and assign the judges who may be appointed for said Territory, to the several districts and also appoint the times for holding courts in the several counties in each district, by proclamation to be issued by him; but the Legislative Assembly, at their first, or any subsequent session, may organize, alter, or modify such judicial districts and assign the judges and alter the times of holding the courts or any of them. *Approved, June 12th, 1838.*

CHAP. 108. An act to secure the payment of certain commissions on duty bonds to collectors of customs.

Act of 1837, c.
8, ante. p.

Collectors who
seek bonds that
were postponed
by act 18th Oct.
1837, shall be al-
lowed the same
commissions
thereon, when-
ever the sums se-
cured by such
bonds, shall be
paid into the
Treasury, as they
would have been
allowed, had the
bonds been paid
at maturity, and
no part of such
commissions
shall be allowed
to successors of
such collectors,
where they would
not have been en-
titled to a portion
thereof, if such
postponement had
not taken place.
Proviso.

§ 1. *Be it enacted, &c.* That, on all bonds for duties, taken by any collector of the customs, the payment whereof has been at any time postponed by virtue of "An act authorizing a further postponement of payment upon duty bonds," passed on the sixteenth day of October last, the collectors who took said bonds, respectively, or their legal representatives, shall be allowed by the Secretary of the Treasury, and entitled to receive, the same commissions, whenever and as fast as the sums secured by such bonds shall be paid into the Treasury, as they would respectively have been entitled to be allowed and receive had the said bonds been paid at maturity and without such postponement; and no part of such commissions shall be claimed by or allowed to the successor in office of any such collector, in any case in which such successor would not have been entitled by law to a portion thereof, if such postponement of the payment of said bonds had not taken place: *Provided*, That nothing in this act shall be so construed as to give to any collector of the customs, or to the representatives of any such collector, a sum greater than the compensation he would have been entitled to receive in case the law therein referred to, for the suspension of payment upon revenue bonds, had not been passed, and the said commissions had been paid to the collector, to whom the same are hereby given, during his continuance in office, and at the first maturity of the said bonds. *Approved, June 12th, 1838.*

CHAP. 109. An act to create the office of Surveyor of Public Lands in the Wisconsin Territory.

§1. *Be it enacted, &c.* That a Surveyor for the Territory of Wisconsin shall be appointed, who shall have the same authority, and perform the same duties respecting the public lands and private land claims in the Territory of Wisconsin, as are now vested in and required of the Surveyor of the lands of the United States in Ohio.

A Surveyor to be appointed who shall have the same authority, &c. as the surveyor of the U. S. lands in Ohio.

§2. *And be it further enacted,* That it shall be the duty of the Surveyor for Ohio to deliver to the Surveyor for Wisconsin Territory, all the maps, papers, records, and documents relating to the public lands and private land claims in the said Territory of Wisconsin, which may be in his office; and in every case where it shall be impracticable to make a separation of such maps, papers, records and documents, without injury, it shall be his duty to cause copies thereof, certified by him, to be furnished to the Surveyor for Wisconsin Territory: which copies shall be of the same validity as the originals. And the Secretary of the Treasury is hereby authorized to cause the expense attending the transfer of the records to be paid out of the appropriation for surveying the public lands.

Surveyor for Ohio to deliver to the Surveyor for Wisconsin all maps, &c. in his office, relating to lands in Wisconsin; or, where that is impracticable, certified copies.

Sec. Treas. to cause the expense of the transfer to be paid, &c.

§3. *And be it further enacted,* That the Surveyor for Wisconsin Territory, to be appointed in pursuance of this act, shall establish his office at the town of Du Buque, in the Territory of Wisconsin; and that he shall be allowed an annual salary of fifteen hundred dollars to commence at such period as his office shall be in readiness for operation; and he shall be authorized to employ one draughtsman and clerk, whose aggregate compensation shall not exceed sixteen hundred dollars per annum. He shall also be allowed the sum of three hundred and fifty dollars per annum, for office-rent, fuel, and other incidental expenses of his office; to be paid out of the money appropriated for surveying the public lands. *Approved, June 12th, 1838.*

Surveyor of Wisconsin to establish his office at Du Buque.

Allowed a salary of \$1,500 per annum.

Authorized to employ a draughtsman and clerk— their salaries \$350 allowed for office rent, &c.

CHAP. 110. An act to establish two additional land offices in that part of Wisconsin Territory west of the river Mississippi.

§1. *Be it enacted, &c.* That for the sale of the public lands in that part of the Territory of Wisconsin situate west of the river Mississippi, two land districts are hereby created; one of which comprising all the lands south of the east and west line which forms the northern boundary of the township adjoining to, and immediately south of, the township in which the town of Davenport is situate, shall be called the Des Moines land district, the land office for which shall be established at the town of Burlington; and the other district, comprising the lands north of the east and west line, shall be called the Du Buque land district, the office for which shall be established at the town of Du Buque.

Two land districts created for the sale of the public lands.

Lands comprised in the one to be called Des Moines.

Land office at Burlington.

Lands comprised in the other to be called Du Buque— land office at Du Buque.

§2. *And be it further enacted,* That the President be, and he is hereby, authorized to appoint, by and with the advice

President to appoint a register

and receiver for each district. and consent of the Senate, a register and receiver of public moneys for each of the said districts, and who shall, respectively,

Their powers, duties, and compensation. be required to reside at the site of their offices, and have powers, perform the same duties, and be entitled to the same compensation, as are or may be prescribed by law in relation to the other land officers of the United States.

President authorized to cause the public lands in said districts, except, etc. to be exposed to sale. § 3. *And be it further enacted*, That the President is authorized to cause the public lands in the said districts with the exception of section numbered sixteen in each township, reserved for the use of schools, or such other lands as may, by law be selected in lieu thereof, and of such other tracts as he may select for military or other purposes, to be exposed to sale in the same manner, and upon the same terms and conditions, as the other public lands of the United States.

President authorized to remove the said land offices when and where he may deem it expedient. § 4. *And be it further enacted*, That whenever the President may deem it expedient, he is hereby authorized to remove the said land offices to such other places within those districts as he may judge proper. *Approved, June 12th, 1838.*

CHAP. 111. An act to ascertain and designate the boundary line between the State of Michigan and the Territory of Wisconsin.

Surveyor General of the Ohio, Indiana, Michigan and Wisconsin land districts, under direction of the President to cause the boundary line between Michigan and Wisconsin as established by act 15 June 1836, to be surveyed, marked, and designated. § 1. *Be it enacted, &c.* That the Surveyor General of the Ohio, Indiana, Michigan and Wisconsin land districts, under the direction of the President of the United States, be, and he is hereby, authorized and required to cause to be surveyed, marked, and designated, the boundary line between the State of Michigan and the Territory of Wisconsin, agreeably to the boundary as established by the act entitled "An act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, upon the conditions, therein expressed," approved June fifteenth, eighteen hundred and thirty-six; and to cause to be made a plat or plan of the boundary between the said State of Michigan and the said Territory of Wisconsin, and return the same to Congress at its next annual session, and that the sum of three thousand dollars be, and the same is hereby appropriated to carry into effect this act: *Provided*, That the whole expense of surveying, marking and designating the said boundary line shall not exceed that sum. *Approved, June 12th, 1838.*

\$3000 appropriated.

Proviso.

CHAP. 124. An act to grant a quantity of land to the Territory of Wisconsin, for the purpose of aiding in opening a canal to connect the waters of Lake Michigan with those of Rock River.

Certain lands granted to Wisconsin to aid in opening a canal to unite the waters of Lake Michigan with those of Rock river, etc. § 1. *Be it enacted, &c.* That there be, and hereby is, granted to the Territory of Wisconsin, for the purpose of aiding in opening a canal to unite the waters of Lake Michigan, at Milwaukee, with those of Rock river, between the point of intersection with said river, of the line dividing townships seven and eight and the Lake Koshkonong, all the land heretofore not otherwise appro-

prated or disposed of in those sections and fractional sections which are numbered with odd numbers on the plats of the public surveys, within the breadth of five full sections, taken in north and south, or east and west tiers, on each side of the main route of said canal, from one end thereof to the other, and reserving the even numbered sections and fractional sections, taken as above, to the United States; and the said land, so granted to aid in the construction of said canal, shall be subject to the disposal of the Legislature of the said Territory, for the purpose aforesaid, and no other: *Provided*, That the said canal, when completed, and the branches thereof, shall be, and for ever remain, a public highway, for the use of the Government of the United States, free from any toll or other charge whatever, for any property of the United States, or persons in their service, passing through the same: *Provided*, That said main canal shall be commenced within three years, and completed in ten years, or the United States shall be entitled to receive the amount for which any of said land may have been previously sold, and that the title to purchasers under the Territory shall be valid.

The lands so granted shall be subject to the disposal of the Legislature.
Proviso.

Proviso.

§ 2. *And be it further enacted*, That so soon as the route of the said main canal shall be definitively located and established, agreeably to an act of the Legislature of the said Territory, incorporating the Milwaukie and Rock River Canal Company, approved January fifth, 1838, it shall be the duty of the Governor thereof, to transmit a plat of the same, showing its terminations and its connections with the section-corners of the public surveys, to the Commissioner of the General Land Office, whose duty it shall be to ascertain, under the direction of the President of the United States, the particular lands herein granted to said Territory; and shall cause duplicate lists of the same to be prepared from the plats on file in his office, one of which he shall transmit to the Governor of said Territory, who, or such other person or persons as shall be appointed for the purpose, under the authority of the Legislature of the said Territory, or of the State which may be erected out of the same, after the admission of such State, shall have power to sell or convey the whole, or any part of said land, at a price not less than two dollars and fifty cents per acre, and to give a title in fee simple therefor, to whomsoever shall purchase the whole or any part thereof.

So soon as the route of the main canal is located, the Govr. shall transmit a plat of the same, showing its terminations, etc. to the Com. of the Gen. Land Off. who shall ascertain, under the direction of the President, the lands herein granted, and cause lists of them to be prepared, one of which he shall transmit to the Govr. or such other person as may be appointed by the Legislature to sell said lands, etc.

§ 3. *And be it further enacted*, That the alternate sections and fractional sections which shall remain to the United States, agreeably to the first section of this act, shall not be sold for a less sum than two dollars and fifty cents per acre, nor be subject to pre-emption.

The alternate, and the fractional sections remaining to the U. S. shall not be sold for less than \$2.50 per acre, etc.

§ 4. *And be it further enacted*, That in reference to the provisions of the first section of this act, where a section shall be divided by the route of the main canal, such section shall be counted (in fixing the lateral limits of said grant) as being on or towards that side of the line next the larger portion of

Sections divided by the route of the main canal to be counted as being on that side of the line next the larger portion

said section, ascertained by reference to the mile-lines and corners of the sections, and the land and water thereby included.

Whenever the Territory of Wisconsin shall become a State, such part of the lands hereby granted as may not have been sold shall vest in the State, etc.

§ 5. *And be it further enacted*, That whenever the Territory of Wisconsin shall be admitted into the Union as a State, the lands hereby granted for the construction of the said canal, or such part thereof as may not have been already sold, and applied to that object, under the direction of the Territorial Government, shall vest in the State of Wisconsin, to be disposed of under such regulations as the Legislature thereof may provide, the proceeds of sale to be applied to the construction of the said canal, or of such part thereof as may not have been completed; and the State of Wisconsin shall be entitled to hold, in virtue of the grant hereby made, as many shares of the stock of the said canal as shall be equivalent to the aggregate of all the sums of money arising from the net proceeds of the sales of the said lands, and applied to the construction of the canal, any thing in the charter of the Milwaukee and Rock River Canal Company to the contrary notwithstanding, and shall be entitled to the same dividends on said stock as

Number of shares the State of Wisconsin may hold in said canal, etc.

In event of the State making no other adequate provision for purchasing the residue of the stock, the dividends of the State stock, etc., shall constitute a fund for the extinguishment of the claims of the other stockholders; after which, and after the State shall have been reimbursed for expenses incurred out of her own power funds, no other tolls, shall be levied, than, etc.

Proviso.

any other stockholder; and in the event that the said State shall make no other adequate provision for purchasing out the residue of the stock of the said canal, the dividends of the State stock hereby acquired, and all other proceeds of the sales of the lands hereby granted, shall constitute a fund, and be applied to the extinguishment of the claims of all other stockholders, until the entire stock vested in the canal shall have been acquired by the State: after which, and after the said State shall have been reimbursed for all expenses incurred out of her own proper funds in the construction and repairs of said canal, no other tolls or charge whatever, for the use or navigation of the said canal shall be levied, except to such amount as may be required to keep the said canal and the works appurtenant thereto in good repair, and provide for the collection of the tolls and the superintendence of said canal: *Provided, moreover*, That no part of the said lands shall be sold for less than two dollars and a half per acre, nor any sale made until after three months' public notice thereof, and to the highest bidder; but in case such price cannot be obtained therefor, within five years from the first sale attempted to be made, it shall and may be lawful for the Territorial or State Legislature of Wisconsin to reduce the minimum price of the said lands.

Wisconsin responsible to the U. S. for all moneys received on the sale of said land, if the main canal be not commenced in three years, and completed in five.

§ 6. *And be it further enacted*, That the said State of Wisconsin shall be held responsible to the United States, and for the payment into the Treasury thereof, of the amount of all moneys received upon the sale of the whole or any part of said land, at the price at which the same shall be sold, not less than two dollars and fifty cents per acre, if the said main canal shall not be commenced within three years, and completed within ten years, pursuant to the provisions of the act creating said canal corporation.

§ 7. *And be it further enacted*, That, in order to render effectual the provisions of this act, the Legislature of the State to be erected or admitted out of the territory now comprised in Wisconsin Territory, east of the Mississippi, shall give their assent to the same by act to be duly passed.

Legislature of the State to be erected out of the Territory of Wisconsin shall give their assent to this act.

§ 8. *And be it further enacted*, That for the purpose of securing a better price for the lands hereby granted, and expediting the construction of the said canal, the Territorial Legislature of Wisconsin may borrow, upon a pledge of the said lands, such sum or sums of money as they may think expedient, and defer the sale of said lands, or any part thereof, until such time or times, not exceeding two years beyond the period of completion of said canal, as they may deem expedient; and for such sum or sums as may be so borrowed, and applied to the construction of said canal, the State of Wisconsin shall be entitled to such interest in the stock of said canal as shall be equivalent thereto in amount, and the interest so acquired shall be subject to all the obligations and restrictions provided in the last section of this act.

For securing a better price for the lands, &c., the Legislature of Wisconsin may borrow upon a pledge of said lands, such sum as they may think expedient.

§ 9. *And be it further enacted*, That the assent of Congress is hereby given to the act of the Territorial Legislature of Wisconsin entitled an act to incorporate the Milwaukee and Rock river Canal Company, subject to the preceding modifications and to the following provision: that in estimating the principal sum and interest to be paid by the said Territory or the future State of Wisconsin to the stockholders of the said canal, a credit shall be given to the Territory or State for all dividends received by the said stockholders prior to the extinguishment of their interest in the said canal, in the mode provided by the twenty-third section of the said act of incorporation.

Assent of Congress hereby given to the act of the Legislature of Wisconsin, incorporating the Milwaukee and Rock river Canal Company, subject to the preceding modifications, and the following provision.

§ 10. *And be it further enacted*, That Congress may, at any time until said Territory shall be admitted as a State, prescribe and regulate the tolls to be received by said company; and after said Territory shall be admitted as a State, the Legislature thereof shall possess the like power; and said act of incorporation is hereby approved, subject to the modification and conditions aforesaid.

Congress may, until Wisconsin is admitted as a State, regulate the tolls; and afterwards the State Legislature shall possess that power.

§ 11. *And be it further enacted*, That the Secretary of the Treasury shall reserve from sale the lands probably falling within the limits of said grant, and the lands which, by the first section, were reserved to the United States, until the said canal can be located and the lands selected as contemplated by this act, and no pre-emption right shall attach thereto. *Approved, June 18th, 1838.*

Sec. Treas. to reserve from sale the lands probably falling within the limits of said grant, until the canal can be located, &c.

CHAP. 125. An act to reorganize the district courts of the United States in the State of Mississippi.

§ 1. *Be it enacted, &c.*, That the State of Mississippi shall be, and the same is hereby, divided into two districts, in the following manner, to wit: The counties of Noxubee, Winston,

Mississippi divided into two districts.

Counties composing the northern district, the court for which shall be held at Pontotoc.

Attala, Carrol, Bolivar, Coahoma, Tunica, De Soto, Marshal, Tippah, Tishomingo, Itawamba, Monroe, Lowndes, Oktibbeha, Choctaw, Yalobusha, Tallehatcha, Ponola, Lafayette, Pontotoc, and Chickasaw, in said State, shall compose one district, to be called the northern district, and a court shall be held for the said district, at the town of Pontotoc, and the residue of the counties of the said State, shall hereafter compose the southern district of Mississippi, and a court shall be held for the same, as heretofore, at the city of Jackson.

The residue of the counties to compose the southern district, the court for which shall be held at Jackson.

U. S. district Judge for Miss. to hold two terms a year in the northern dist.

§ 2. *And be it further enacted*, That there shall be two terms of the district court, for the northern district, held at Pontotoc, in each year, to begin on the first Monday of June and December, and the district judge of the United States, for the State of Mississippi is hereby required to hold the courts aforesaid.

All cases pending in the district court at Jackson, in which the defendants resided in the northern dist. at the time of serving process to be transferred for trial to the court for the northern dist.

§ 3. *And be it further enacted*, That all causes at law or in chancery, and all indictments pending in the district court at Jackson, in which the defendant or defendants resided in the northern district (hereby established) at the time of serving process or the finding of a bill of indictment, shall be transferred for trial to the district court for the said northern district, and be proceeded in, heard, adjudged, and determined, in the same manner as though originally commenced or prosecuted in the said court; and it shall be the duty of the clerk of the district court at Jackson, safely to transmit to the clerk of the district court at Pontotoc, the original papers in all cases and prosecutions hereby ordered to be transferred, together with a transcript of all orders and other proceedings had thereon.

Clerk to transmit the original papers in the cases transferred.

All suits not of a local nature shall hereafter be brought to the court of the dist. where the defendant resides, &c. If there be more than one defendant, and they shall reside in different dists. the plaintiff may sue in either, &c.

§ 4. *And be it further enacted*, That all suits hereafter to be brought in either of said courts not of a local nature, shall be brought in the court of the district where the defendant resides; but if there be more than one defendant, and they reside in different districts, the plaintiff may sue in either, and send a duplicate writ against the defendant, directed to the marshal of the other district, on which the plaintiff or his attorney shall endorse that the writ thus sent is a copy of a writ sued out of the district court of the proper district; and the said writs, when executed and returned into the office from which they issued shall constitute one suit, and be proceeded in accordingly.

The judge of said court to appoint a clerk for the northern dist.—his duties, fees, &c.

§ 5. *And be it further enacted*, That the judge of the said courts shall appoint a clerk of the district court of the northern district, who shall reside and keep his office, and the records and documents appertaining thereto, at the place of holding said courts; said clerk shall be entitled to the same fees allowed by law to the clerk of the other district of the State of Mississippi, perform the like duties, and be subject to the same liabilities and penalties.

A marshal and dist. atty. to be appointed for the northern dist.—

§ 6. *And be it further enacted*, That a marshal and district attorney shall be appointed in the northern district of the State aforesaid, having the same duties and liabilities, in all respects,

as are now possessed by the marshal and district attorney, respectively, in the State of Mississippi; and the said marshal is hereby required to give the same bonds that other marshals are required to give under the laws of the United States, to be approved of and recorded as now directed by law.

their duties and liabilities. The marshal to give the same bonds as are required by law of the other marshals.

§ 7. *And be it further enacted*, That the marshal and district attorney for the northern district, shall have the same salaries, fees, and compensation, as are allowed and paid to the other marshal and district attorney for the State of Mississippi, under the laws of the United States. *Approved, June 18th, 1838.*

Marshal and dist. atty. of the northern dist. to have the same salaries, &c. as the other marshal and dist. atty. of Miss.

CHAP. 126. An act to authorize the President of the United States to cause the southern boundary line of the Territory of Iowa to be ascertained and marked.

§ 1. *Be it enacted, &c.*, That the President of the United States be, and he is hereby, authorized to cause to be surveyed, ascertained and distinctly marked, the southern boundary line of the Territory of Iowa, west of the Mississippi river, which divides said Territory from the State of Missouri; and that, for that purpose he shall appoint a commissioner on the part of the United States, who (with the aid of such surveyor or surveyors as may be necessary) shall unite or act in conjunction with a commissioner to be appointed by the State of Missouri, and a commissioner to be appointed by the Governor of the Territory of Iowa, in running, marking and ascertaining said boundary line; and that it shall be the duty of the commissioner so to be appointed by the President as aforesaid, after he shall have ascertained, run, and marked said boundary line, to make three maps or plats thereof, with a description or survey-bill thereof appended to each map or plat; one of which shall be returned to the office of Secretary of State for the United States, one to the office of Secretary of State for the State of Missouri, and one to the Secretary of the Territory of Iowa, and the said commissioner on the part of the United States shall also make a full report of his proceedings in the premises to the Secretary of State for the United States.

President to cause the southern boundary line of Iowa, which divides it from Missouri to be ascertained and marked. President to appoint a commissioner to act with one from Missouri and one from Iowa, in running, &c. the line.

Commissioner appointed by the President to make three maps of the line, &c.

§ 2. *And be it further enacted*, That the said boundary line shall be run or surveyed, ascertained, and marked in all respects according to, and in pursuance of the provisions of the following acts, wherein the said boundary line is defined and described, to wit: an act of Congress of the sixth March, eighteen hundred and twenty, entitled "An act to authorize the people of Missouri Territory to form a constitution and State Government and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories;" and an act of the seventh June, eighteen hundred and thirty-six, entitled "An act to extend the western boundary of the State of Missouri to the Missouri river:" *Provided, however*, That if either or both of said commissioners to be appointed on the part of the State of Missouri and Territory of Iowa should fail to attend to the aforesaid duty, after reasonable no-

Said line to be run, &c. according to the provisions of the acts of 6th March 1820, and 7th June 1836.

Act of 1820, c. 23, vol. 4, p. 1. 62.

Act of 1836, c. 86 vol. 4, p. 2430.

Proviso.

tice by the commissioner on the part of the United States, or if the State of Missouri, or Governor of Iowa, or either of them should fail to appoint such commissioner on their part, respectively, after reasonable notice from the President of the United States, then, and in that case, the commissioner appointed on the part of the United States, shall proceed to execute the duties enjoined by this act with either of said commissioners who may attend, or without the attendance of either or both of said commissioners, as the case may be.

The line shall not be deemed to be finally established and ratified by the U. S., until, &c.

§ 3. *And be it further enacted*, That the line to be so run, ascertained, and marked, shall not be deemed to be finally established and ratified by the United States, until the map or plat, and description aforesaid, and also the said report of the commissioner shall be submitted to, and the boundary, as thus ascertained and marked, approved of and ratified by the Congress of the United States.

\$4,000 appropriated for carrying this act into effect.

§ 4. *And be it further enacted*, That, for the purpose of carrying into effect the provisions of this act, the sum of four thousand dollars, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

Approved, June 16th, 1838.

CHAP. 128. An act to require the judge of the district courts of East and West Tennessee to hold a court at Jackson, in said State.

A dist. court U. S. established in the western dist. of Tennessee.

§ 1. *Be it enacted, &c.* That a district court of the United States be, and the same is hereby, established in the western district of the State of Tennessee, for the counties of Benton, Carroll, Henry, Obion, Dyer, Gibson, Lauderdale, Haywood, Tipton, Shelby, Fayette, Hardeman, McNairy, Hardin, and Perry; and that the said court be holden annually on the third Monday in September, at the town of Jackson, in the county of Madison, in said State.

To be holden annually on the third Monday in Sept. at Jackson.

Invested with all the jurisdiction now exercised by the dist. courts of E. and W. Tennessee.

§ 2. *And be it further enacted*, That the said district court shall be invested with, and exercise, all and every species of jurisdiction now exercised by the district courts of East and West Tennessee.

To be holden by the judge of the dist. courts of E. and W. Tennessee.

§ 3. *And be it further enacted*, That the said court shall be holden by the judge of the said district courts of East and West Tennessee.

Invested with the exercise of concurrent jurisdiction in all civil cases now exercised by the U. S. circuit courts.

§ 4. *And be it further enacted*, That in addition to the jurisdiction hereby invested in said court, it be invested with the exercise of concurrent jurisdiction in all civil cases now exercised by the circuit courts of the United States; and that in all cases where said court shall exercise such jurisdiction, appeals may be taken from the judgments, orders, or decrees of said court to the Supreme Court of the United States, in the same manner, and upon the same conditions, as appeals may be taken from the circuit courts.

Appeals may be taken to the U. S. Supreme Court.

Judge to appoint a clerk.

§ 5. *And be it further enacted*, That at the first term of said court, the judge thereof shall appoint a clerk, in manner, and upon such conditions, as like officers are required by law to be

appointed for the said district courts of East and West Tennessee; and that the said clerk perform such duties in regard to the proceedings, orders, judgments, and decrees of said court, as are required by law to be performed by the same officers in the said district courts of East and West Tennessee.

Duties of the clerk.

§ 6. *And be it further enacted*, That all laws now in force regulating the emanation, execution, and return of the process of said district courts of East and West Tennessee shall, in all things, regulate the emanation, execution, and return of process in the said district court.

Laws regulating the emanation, &c. of the dist. courts of E. and W. Tenn. shall regulate the emanation, &c. of this court.

§ 7. *And be it further enacted*, That if from any cause the judge of said court shall fail to attend and open court on the first day thereof, then, and in that case, the said court shall stand adjourned from day to day, until four o'clock of the third; and in case he shall fail to attend and open said court by that time, the said court shall stand adjourned until the first day of the next term.

In case the judge fail to open the court by four o'clock on the 3d day, it shall stand adjourned to the next term.

§ 8. *And be it further enacted*, That in case the judge of said court, from any cause, shall fail to hold a regular term of said court, it shall be his duty, if in his opinion the business in said court shall require, to hold an intermediate term of said court, at such time as he shall, by his order, under his hand and seal, direct, addressed to the clerk and marshal of said court, at least thirty days previous to the commencement of said term, and to be published in the several newspapers published in the bounds of said district the same length of time.

In case the judge fail to hold a regular term of the court, he shall, if in his opinion, the business of the court requires it, hold an intermediate term, &c.

§ 9. *And be it further enacted*, That the clerk of said court shall be entitled to receive such fees and emoluments for his services as are now allowed by law for like services to the clerks of said district courts of East and West Tennessee.

Clerks' fees.

§ 10. *And be it further enacted*, That a marshal shall be appointed for said court, whose duty it shall be to execute all orders, judgments, and decrees of said court now authorized by law, and that he receive for his services the sum of two hundred dollars, to be paid out of the public Treasury; and that he be allowed the same fees as are allowed for the same services in the courts of East and West Tennessee.

A marshal to be appointed—his duties, salary and fees.

§ 11. *And be it further enacted*, That a district attorney of the United States be appointed for said court who shall receive in addition to the usual fees of office, the sum of two hundred dollars annually, to be paid out of the public Treasury of the United States. *Approved, June 18th, 1838.*

A district attorney to be appointed, who shall receive \$200 annually, in addition to the usual fees.

CHAP. 129. An act to grant pre-emption rights to settlers on the public lands.

Act of 1830, c. 209, vol. 4, p. 2212.

§ 1. *Be it enacted, &c.*, That every actual settler of the public lands, being the head of a family, or over twenty-one years of age, who was in possession and a housekeeper, by personal residence thereon, at the time of the passage of this act, and for four months next preceding, shall be entitled to all the

Qualifications necessary to entitle settlers to the benefits and privileges of act 29th May 1830.

See Post. Act
of 1840, c. 12, p.

Act 29th May
1830, revived and
continued for
two years.
Proviso.

Proviso.

Proviso.

benefits and privileges of an act entitled "An act to grant pre-emption rights to settlers on the public lands," approved May twenty-ninth, eighteen hundred and thirty, and the said act is hereby revived and continued in force two years: *Provided*, That where more than one person may have settled upon and cultivated any one quarter section of land, each one of them shall have an equal share or interest in the said quarter section, but shall have no claim, by virtue of this act, to any other land: *And provided, always*, That this act shall not be so construed as to give a right of pre-emption to any person or persons, in consequence of any settlement or improvement made before the extinguishment of the Indian title to the land on which such settlement or improvement was made, or to the lands lately acquired by treaty with the Miami tribe of Indians, in the State of Indiana, of which proclamation was made by the President of the United States, on the twenty-second day of December, eighteen hundred and thirty-seven, or to any sections, or fractions of sections, of land included within the location of any incorporated town, or to the alternate sections to other alternate sections granted to the use of any canal, rail-road, or other public improvement on the route of such canal, rail-road, or other public improvement, or to any portions of public lands, surveyed or otherwise, which have been actually selected as sites for cities or towns, lotted into smaller quantities than eighty acres, and settled upon and occupied for the purposes of trade, and not of agricultural cultivation and improvement, or to any land specially occupied or reserved for town lots, or other purposes, by authority of the United States; *And provided further*, That nothing herein contained shall be construed to affect any of the selections of public lands for the purposes of education, the use of salt-springs, or for any other purpose which may have been or may be made by any State, under existing laws of the United States: but this act shall not be so construed as to deprive those of the benefits of this act, who have inhabited, according to its provisions, certain fractions of the public lands within the land district of Palmyra, in the State of Missouri, which were reserved from sale in consequence of the surveys of Spanish and French grants, but are found to be without the lines of said grants. That before any person claiming the benefit of this law shall have a patent for the land which he may claim by having complied with its provisions, he shall make oath before some person authorized by law to administer the same, which oath with the certificate of the person administering it, shall be filed with the register of the proper land office when the land is applied for, and by said register sent to the office of the commissioner of public lands, that he entered upon the land which he claims, in his own right, and exclusively for his own use and benefit, and that he has not, directly or indirectly made any agreement or contract, in any way or manner, with any person or persons whatever, by which the title which he might acquire from the Gov-

ernment of the United States should inure to the use or benefit of any one except himself, or to convey or transfer the said land, or the title which he may acquire to the same, to any other person or persons whatever, at any subsequent time; and if such person, claiming the benefit of this law as aforesaid, shall swear falsely in the premises, he shall be subject to all the pains and penalties for perjury, forfeit the money which he may have paid for the land, and all right and title to the said land; and any grant or conveyance which he may have made in pursuance of such agreement or contract, as aforesaid, shall be void, except in the hands of a purchaser in good faith, for a valuable consideration without notice. And the certificate which shall be filed with the commissioner as aforesaid, shall be taken to be conclusive that the oath was legally administered: *And provided, further*, That it shall be the duty of the President of the United States to cause to be reserved from sale or entry, under the provisions of this or any other law of the United States, any tract or tracts of land reserved to any Choctaw, under the provisions of the treaty of Dancing Rabbit Creek, of one thousand eight hundred and thirty, and also to reserve from sale or entry, a sufficient quantity of the lands acquired by said treaty, upon which no such settlement or improvement has been made, as would entitle the settler or improver to a right of pre-emption under this act, to satisfy the claims of such Indians as may have been entitled to reservations under the said treaty, and whose lands may have been sold by the United States, on account of any default, neglect, or omission of duty on the part of any officer of the United States; such reservation from sale to continue until the claims to reservations under said treaty, shall be investigated by the board of commissioners appointed for that purpose, and their report finally acted on by Congress. *Approved, June, 22d, 1838.*

Proviso.

CHAP. 157. An act authorizing the appointment of persons to test the usefulness of inventions to improve and render safe the boilers of steam engines against explosions.

§ 1. *Be it enacted, &c.*, That the President of the United States be, and he hereby is, authorized to appoint three persons, one of whom at least shall be a man of experience and practical knowledge in the construction and use of the steam engine, and the others, by reason of their attainments in science, shall be competent judges of the usefulness of any invention designed to detect the causes of explosion in the boilers; which said persons shall jointly examine any inventions made for the purpose of detecting the cause, and preventing the explosion of boilers, that shall be presented for their consideration; and, if any one or more of such inventions or discoveries justify in their judgment, the experiment, and the inventor desires that his invention shall be subjected to the test, then the said persons may proceed and order such preparations to be made, and such experiments to be

President authorized to appoint three persons.

Qualifications of the persons to be appointed,

Said persons shall jointly examine any inventions presented for their consideration, and order experiments to be made.

tried, as, in their judgment, may be necessary to determine the character and usefulness of any such invention.

The board shall give notice of the time and place of their meeting, &c. and report to Congress at the next session.

§ 2. *And be it further enacted*, That the said board shall give notice of the time and place of their meeting to examine such inventions, and shall direct the preparations to be made, and the experiments to be tried, at such place as they shall deem most suitable and convenient for the purpose; and shall make full report of their doings to Congress at their next session.

\$6000 appropriated, subject to the order of said board for the above purposes.

§ 3. *And be it further enacted*, That, to carry into effect the foregoing objects, there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of six thousand dollars; and so much thereof as shall be necessary for the above purposes shall be subject to the order of the said board, and to defray such expenses as shall be incurred by their direction, including the sum of three hundred dollars, to each, for his personal services and expenses: *Provided, however*, And their accounts shall be settled at the Treasury, in the same manner as those of other public agents. *Approved, June 28th, 1838.*

\$300 allowed each of said board.

Proviso.

CHAP. 160. An act to confirm the act of the Legislative Council of Florida, incorporating the "Florida Peninsula Rail-road and Steamboat Company," and granting the right of way to said company through the public lands, and for other purposes.

Act of the Legislative Council of Florida, incorporating the Florida Peninsula Railroad and Steamboat company, confirmed. *Proviso.*

§ 1. *Be it enacted, &c.* That the act passed by the Legislative Council of Florida, entitled "An act to incorporate the Florida Peninsula Railroad and Steamboat Company," approved eighth January, eighteen hundred and thirty-eight, be, and the same is hereby, ratified and confirmed: *Provided, however*, That the said company shall not be deemed to have, nor shall they exercise, banking privileges; nor shall the said act be so construed as to give or grant banking privileges to said company; and in case the said company shall exercise banking privileges, of any description, in any way or manner, then this confirmation or ratification of said act of incorporation shall be void and of no effect.

Right of way through the public lands granted.

Proviso.

§ 2. *And be it further enacted*, That the right of way shall be, and is hereby, granted to said company over and through any of the public lands of the United States over which the said road may pass: *Provided*, That the said land to be used and occupied by said company for the line or route of such road shall not exceed eighty feet in width.

Right to take from the public lands earth, stone, or wood for the construction of said road, &c.

§ 3. *And be it further enacted*, That the said company shall have the right to take from the public lands in the vicinity of said road and within twenty rods of the centre thereof, on each side, all such materials of earth, stone, or wood, as may be necessary or convenient for the actual construction of said road or any part thereof; and, during the construction of said road, to occupy said lands to the width aforesaid, so far as may

be necessary to the convenient performance of said works:—*Provided, however,* That the rights and privileges granted by this section shall be so exercised as to cause as little damage as possible to the public lands adjacent to said road; and proper drains or sluices shall be constructed by the said company so as to prevent the obstruction of any streams or water-courses which may be crossed by said road.

Proviso.

§ 4. *And be it further enacted,* That there shall be, and are hereby, granted to the said company all necessary sites for watering-places, depots, and workshops, along the line of road: *Provided,* That no one depot or watering-place shall contain over four square acres, to be laid off in a square form; and not more than one of said squares shall be granted to or taken by said company for each ten miles of said road.

Sites granted for watering places, depots, and workshops.

Proviso.

§ 5. *And be it further enacted,* That the said company shall, with as little delay as may be convenient, and at all events within one year from the passage of this act, and at their own expense, cause the route of said road and the sites which they may select for depots, watering-places, or workshops, to be surveyed and designated through said public lands by plain marks and monuments; copies of the field-notes of the survey, with a map or plat of the said route and of said sites and of the connection of said route with the previous official surveys of the adjacent lands, shall be returned to the office of the Surveyor General of that land district and to the General Land Office at Washington.

Said company shall within one year cause the route of the road and the sites for depots, etc. to be surveyed and designated, etc.

§ 6. *And be it further enacted,* That if the said road shall be abandoned or discontinued, or if the route shall cease to be used by said company for the purpose of a railroad, then and in that case this act and the privileges hereby granted shall cease and be void, and the land occupied by said road shall revert to the United States.

If the road shall be abandoned, etc., this act shall cease and be void.

§ 7. *And be it further enacted,* That Congress may at any time, until said Territory shall be admitted as a State, prescribe and regulate the tolls to be received by said company, and after said Territory shall be admitted as a State, the Legislature thereof shall possess the like power, and said act of incorporation is hereby approved, subject to the modifications and conditions aforesaid. *Approved, June 28th, 1838.*

Congress may until Florida becomes a State, regulate the tolls; after which the Legislature shall possess that power.

CHAP. 164. An act to extend the charter of the Bank of Alexandria, in the city of Alexandria.

Act of 1836. c. 40, vol. 4, p. 5471.

§ 1. *Be it enacted, &c.,* That so much of the act entitled "An act to extend the charters of the Bank of Columbia, in Georgetown, and the Bank of Alexandria, in the city of Alexandria" approved the twenty-fifth February, eighteen hundred and thirty-six, as relates to the Bank of Alexandria in the city of Alexandria, be, and the same is hereby, extended in its duration to the fourth of March, eighteen hundred and forty-one. *Approved, July 5th, 1838.*

So much of act 25th Feb'y, 1836, as relates to the Bank of Alexandria, extended to 4th March, 1841.

Act of 1836, c. 115, vol. 4, p. 9445.

That clause of the act to regulate the deposits of the public moneys, which prevents the receipt of the notes or bills of any bank which shall, after the 4th of July, 1836, issue any bills or notes of a less denomination than \$5, modified, so as not to take effect until October 1, 1838.

CHAP. 168. An act to modify the last clause of the 5th section of the deposit act of the twenty-third of June, eighteen hundred and thirty-six.

§ 1. *Be it enacted, &c.*, That the last clause of the fifth section of the act entitled "An act to regulate the deposits of the public money" approved on the twenty-third day of June, eighteen hundred and thirty-six, declaring that the notes or bills of no bank shall be received in payment of any debt due to the United States, which shall after the fourth day of July, in the year one thousand eight hundred and thirty-six, issue any note or bill of a less denomination than five dollars, shall be, and the same is hereby, so far modified as that the interdiction as to the reception of the bills and notes shall not continue against any bank which has, since the said fourth day of July, in the year one thousand eight hundred and thirty-six, issued bills or notes of a less denomination than five dollars, or which shall issue any such bills or notes prior to the first day of October, in the year eighteen hundred and thirty-eight, but that from and after the said last mentioned day, the bills or notes of no bank shall be received in payment of any debt due to the United States, which bank shall, after that date, issue, re-issue, or pay out any bill or note of a denomination less than five dollars. *Approved, July 5th, 1838.*

CHAP. 169. An act to amend "an act authorizing the Secretary of War to establish a pension agency in the town of Decatur in the State of Alabama, and to provide for the payment of certain pensioners in the said town of Decatur."

Secretary of War empowered to remove the pension agency at Decatur to Huntsville, Ala.

§ 1. *Be it enacted, &c.*, That the Secretary of War be, and he is hereby, authorized, if in his opinion necessary, to remove and establish said pension agency in the town of Huntsville, Alabama; and, in the event of said removal, the pensioners described in said act shall be paid in Huntsville. *Approved, July 5th, 1838.*

CHAP. 170. An act to authorize vessels bound for the ports of Mexico, and prevented from completing the voyages in consequence of the existing blockade of those ports, to enter and store their cargoes in the ports of the United States.

Vessels turned off from their port of destination in Mexico by the blockading squadron, may land and store their cargoes in the U. S. free from duty. *Provided,*

§ 1. *Be it enacted, &c.*, That any vessel which may have been turned off from her port of destination in Mexico, by the blockading squadron, may land and store her cargo in any port of the United States into which she may first enter, to be kept under the custody of the custom-house, free from duty or any other charge, except the usual storage: *Provided*, The said cargo be re-exported within twelve months from the time of its being so stored, and the provisions of the existing laws relating to the importation of goods, with the privilege of re-exportation without the payment of duty, or with the privilege of a drawback of duty, shall be applicable to goods entered and stored under the provisions of this act, except as is herein otherwise provided. *Approved, July 5th, 1838.*

CHAP. 171. An act to authorize the issuing of patents to the last bona fide transferee of reservations under the treaty between the United States and the Creek tribe of Indians which was concluded on the twenty-fourth of March, eighteen hundred and thirty two.

§ 1. *Be it enacted, &c.* That the President of the United States be, and he is hereby, authorized and required to cause patents to be issued to such person or persons as may be the bona fide purchaser, owner, assignee, or transferee of any selection or reservation which has been made to, or in behalf of, any chief or head of an Indian family, under a treaty concluded between the United States and the Creek tribe of Indians, at Washington city, on the twenty-fourth day of March, eighteen hundred and thirty-two, what ever may be the number of intermediate transfers or assignments: *Provided*, The person or persons applying for such patent or patents shall adduce satisfactory proof to the Commissioner of the General Land Office of the fairness of said several preceding transfers or assignments. *Approved, July 5th, 1838.*

The President to cause patents to issue to the last purchasers, &c. of selection or reservation made to, or on behalf of, chiefs or heads of Indian families, under Creek treaty of March 24, 1832,

Proviso.

CHAP. 172. An act to increase the present military establishment of the United States and for other purposes.

§ 1. *Be it enacted, &c.*, That there shall be added to each of the four regiments of artillery, one company, to be organized in the same manner as authorized by existing laws, with the exceptions hereafter mentioned; that there be added to every company of artillery sixteen privates, and to every company of infantry one sergeant and thirty-eight privates, and that the number of second lieutenants of a company of artillery be reduced to one, and that this reduction be so made in connection with the appointment of officers to the four additional companies authorized as aforesaid, and the transfer to the Ordnance department hereafter directed, that all the present second lieutenants shall be retained in service; and there shall be raised and organized under the direction of the President of the United States, one regiment of infantry, to be composed of the same number and rank of officers, non-commissioned officers, musicians, and privates composing the regiments of infantry now in the service of the United States, who shall receive the same pay and allowances and be subject to the same rules and regulations which now apply to other regiments of infantry, as provided for in this act.

One company to be added to each of the regiments of artillery; to be organized in the manner authorized by existing laws, with the exceptions hereafter named.

A regiment of infantry to be raised and organized by the President.

§ 2. *And be it further enacted*, That the President of the United States be and he is hereby, authorized to add to the corps of engineers, whenever he may deem it expedient to increase the same, one lieutenant colonel, two majors, six captains, six first and second lieutenants; and that the pay and emoluments of the said corps shall be the same as those allowed to the officers of the regiment of dragoons.

The President authorized to increase the corps of engineers.

Pay and emoluments.

§ 3. *And be it further enacted*, That so much of the act passed the twenty-ninth day of April, one thousand eight hundred and twelve, entitled "An act making further provision for

Act of 1812, c. 72, vol. 2, p. 1241.

the corps of engineers," as provides that one paymaster shall be taken from the subalterns of the corps of engineers, be, and the same is hereby repealed; and that the paymaster so authorized and provided be attached to the pay department, and be in every respect, placed on the footing of other paymasters of the army.

Paymaster for same is hereby repealed; and that the paymaster so authorized and provided be attached to the pay department, and be in every respect, placed on the footing of other paymasters of the army.

Corps of topographical engineers, organization and increase of.

§ 4. *And be it further enacted*, That the corps of topographical engineers shall be organized and increased by regular promotions in the same, so that the said corps shall consist of one colonel, one lieutenant colonel, four majors, ten captains, ten first lieutenants, and ten second lieutenants.

How vacancies in, are to be filled.

§ 5. *And be it further enacted*, That vacancies created by said organization, over and above those which can be filled by the present corps, shall be taken from the army, and from such as it may be deemed advisable of the civil engineers employed under the act of the thirtieth of April, eighteen hundred and thirty-four; that the pay and emoluments to the officers of said corps shall be the same as are allowed to officers of similar rank in the regiments of dragoons.

Pay and emoluments.

Authority given in act 30th April, 1834, to employ civil engineers, repealed.

§ 6. *And be it further enacted*, That the authority to employ civil engineers, in the act of the thirtieth of April, eighteen hundred and twenty-four, be and the same is hereby repealed after the passage of this act.

The President authorized to appoint so many assistant adjutants general as he may deem necessary, &c.

§ 7. *And be it further enacted*, That the President of the United States shall be and he is hereby, authorized to appoint so many assistant adjutants general, not exceeding two with the brevet rank, pay, and emoluments of a major, and not exceeding four, with the brevet rank, pay and emoluments of a captain of cavalry, as he may deem necessary; and that they shall be taken from the line of the army, and in addition to their own, shall perform the duties of assistant inspectors general when the circumstances of the service may require.

Pay and emoluments of officers taken from the line and transferred to the staff. Their rank and promotion.

§ 8. *And be it further enacted*, That the officers to be taken from the line and transferred to the staff, under the last preceding section, shall receive only the pay and emoluments attached to their rank in the staff; but their transfer shall be without prejudice to their rank and promotion in the line, according to their said rank and seniority; which promotion shall take place according to usage, in the same manner as if they had not been thus transferred.

The President authorized to add to the quartermaster's department.

§ 9. *And be it further enacted*, That the President of the United States be and he is hereby authorized, by and with the advice and consent of the Senate, to add to the quartermaster's department not exceeding two assistant quartermasters general with the rank of colonel, two deputy quartermasters general, with the rank of lieutenant colonel, and eight assistant quartermasters with the rank of captain; that the assistant quartermasters now in service shall have the same rank as is provided by this act for those hereby authorized; and that the pay and emoluments of the officers of the quartermaster's department, shall be the same as are allowed to officers of similar rank in the regiments of dragoons: *Provided*, That all appointments in the quartermaster's

Rank.

Pay and emoluments.

Proviso.

department shall be made from the army, and when officers taken for such appointments hold rank in the line, they shall thereupon relinquish said rank, and be separated from the line of the army; and that promotion in said department shall take place as in regiments and corps.

§ 10. *And be it further enacted*, That the quartermaster general be and he is hereby authorized from time to time, to employ as many forage-masters and wagon-masters as he may deem necessary for the service, not exceeding twenty in the whole, who shall be entitled to receive each forty dollars per month, and three rations per day, and forage for one horse; and neither of whom shall be interested or concerned, directly or indirectly in any wagon or other means of transport employed by the United States, nor in the purchase or sale of any property procured for or belonging to the United States, except as an agent for the United States.

Qr. Mr. Genl. authorized to employ forage-masters and wagon-masters.

Pay, &c.

§ 11. *And be it further enacted*, That there be added to the commissariat of subsistence one assistant commissary general of subsistence with the rank, pay and emoluments of a lieutenant colonel of cavalry; one commissary of subsistence with the rank, pay and emoluments of a quartermaster of the army; and three commissaries of subsistence with the rank, pay and emoluments of assistant quartermasters.

Increase of the commissariat of subsistence.

§ 12. *And be it further enacted*, That the stewards of hospitals at posts of more than four companies be hereafter allowed the pay, clothing and rations of a sergeant of ordnance, and at all other posts, the pay, clothing and rations of the first sergeant of a company of infantry.

Pay of stewards of hospitals.

§ 13. *And be it further enacted*, That the President of the United States, be and he is hereby authorized to add to the ordnance department, whenever he may deem it expedient to increase the same, by and with the advice of the Senate; two majors, and that he be further authorized to transfer ten first lieutenants and ten second lieutenants from the artillery to the ordnance department and that the pay and emoluments of the officers of the said department shall be the same as those allowed to the officers of the regiment of dragoons.

The President authorized to increase the ordnance department.

Pay and emoluments.

§ 14. *And be it further enacted*, That so much of the fourth section of the act passed fifth of April eighteen hundred and thirty-two for the organization of the ordnance department, as authorizes the officers of ordnance to receive the same pay and emoluments now allowed artillery officers, shall be construed to include the ten dollars per month additional pay to every officer in the actual command of a company, as compensation for the duties and responsibilities with respect to clothing, arms, and accoutrements of the company, under the authority of the second section of the act passed second of March eighteen hundred and twenty-seven, giving further compensation to the captains and subalterns of the Army of the United States in certain cases: *Provided*, That the officers of

Construction to be given to the 4th sec. act 5th April 1832, with regard to the pay of officers of ordnance department in the actual command of a company.

Proviso.

the ordnance department claiming the compensation for such duties and responsibilities shall have been actually in the command of enlisted men of the ordnance equal to a company of artillery and thereby incurred the aforesaid responsibilities.

All commissioned officers of the line or staff, except general officers, to receive an additional ration for every five years service.
Proviso.

§ 15. *And be it further enacted*, That every commissioned officer of the line or staff exclusive of general officers shall be entitled to receive one additional ration per diem for every five years he may have served or shall serve in the army of the United States: *Provided*, That in certain cases where officers are entitled to and receive double rations, the additional one allowed in this section shall not be included in the number to be doubled.

Enlistments in the army to be for five years.

Pay of non-commissioned officers and soldiers.

Proviso.

§ 16. *And be it further enacted*, That from and after the passing of this act, all enlistments in the Army of the United States shall be for five years, and that the monthly pay of non-commissioned officers and soldiers shall be as follows: to each sergeant-major, quarter-master sergeant, and chief musician, seventeen dollars; to each first sergeant of a company, sixteen dollars; to all other sergeants, thirteen dollars; to each artificer, eleven dollars; to each corporal, nine dollars; and to each musician and private soldier, eight dollars: *Provided*, That two dollars per month of said pay be retained until the expiration of his term of service.

Allowance of sugar and coffee in lieu of spirit or whiskey.

§ 17. *And be it further enacted*, That, the allowance of sugar and coffee to the non-commissioned officers, musicians and privates, in lieu of the spirit or whiskey component part of the army ration, now directed by regulation, shall be fixed at six pounds of coffee and twelve pounds of sugar to every one hundred rations, to be issued weekly when it can be done with convenience to the public service, and, when not so issued, to be paid for in money.

Employment of persons to act as chaplains, who shall also perform the duties of schoolmasters.

Pay, &c.

§ 18. *And be it further enacted*, That it shall be lawful for the officers composing the council of administration at any post, from time to time, to employ such person as they may think proper to officiate as chaplain who shall also perform the duties of schoolmaster at such post; and the person so employed shall on the certificate of the commanding officer of the post, be paid such sum for his services, not exceeding forty dollars per month, as may be determined by the said council of administration, with the approval of the Secretary of War; and, in addition to his pay, the said chaplain shall be allowed four rations per diem, with quarters and fuel.

An additional Professor of chemistry, mineralogy and geology to be appointed, his pay and emoluments.

Assistant to said professor, his pay and emoluments.

§ 19. *And be it further enacted*, That an additional professor be appointed to instruct in the studies of chemistry, mineralogy, and geology, with the pay and emoluments now allowed to the professor of mathematics; and that the Secretary of War may assign to the said professor an assistant, to be taken from the officers of the line or cadets; which assistant professor will receive the pay and emoluments allowed to other assistant professors.

§ 20. *And be it further enacted*, That whenever suitable non-commissioned officers or privates cannot be procured from the line of the army to serve as paymaster's clerks, paymasters be, and hereby are, authorized and empowered by and with the approbation of the Secretary of War to employ citizens to perform that duty, at salaries not to exceed five hundred dollars per annum each.

Paymaster's clerks, how employed, their salaries.

§ 21. *And be it further enacted*, That all letters and packages on public business, to and from the commanding general, the colonel of ordnance, the surgeon general, and the head of the topographical corps, shall be free from postage.

Letters and packages on public business to be free of postage.

§ 22. *And be it further enacted*, That the President shall be and he is hereby authorized, whenever he may deem the same expedient, to cause not exceeding two of the regiments of infantry to be armed and equipped and to serve as a regiment of riflemen, and one other of the regiments of infantry to be armed and equipped and to serve as a regiment of light infantry.

Regiment of riflemen.
Regiment of light infantry.

§ 23. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act, shall be and the same are hereby repealed.

Acts inconsistent with this act repealed.

§ 24. *And be it further enacted*, That hereafter the officers of the pay and medical departments of the army shall receive the pay and emoluments of officers of cavalry of the same grades respectively; according to which they are now paid by existing laws.

Pay of the officers of the pay and medical department.

§ 25. *And be it further enacted*, That when volunteers or militia are called into the service of the United States, so that the paymasters authorized by law shall not be deemed sufficient to enable them to pay the troops with proper punctuality it shall be lawful for the President to appoint as many additional paymasters as he shall deem necessary, who shall perform the same duty, give the same bond, be subject to the same liability, and receive the same pay and emoluments, as are now provided for paymasters of the army: *Provided, however*, That the number so appointed shall not exceed one for every two regiments of militia or volunteers: *And provided also*, That the persons so appointed shall continue in service only so long as their services are required to pay militia and volunteers.

The President authorized to appoint additional paymasters when volunteers or militia are called into service, &c.

Their duties, liabilities, pay, &c.

Proviso.

Proviso.

§ 26. *And be it further enacted*, That the compensation hereafter, to be allowed to such ordnance storekeepers as shall be designated as paymasters, shall not exceed the pay and emoluments of a captain of ordnance.

Compensation of ordnance storekeepers designated as paymasters.

§ 27. *And be it further enacted*, That it shall be the duty of the engineer, superintending the construction of a fortification, or engaged about the execution of any other public work, to disburse the moneys applicable to the same; and as a compensation therefor, may be allowed by the Secretary of War at the rate of two dollars per diem, during the continuance of such disbursements: *Provided*, That the whole amount of emolument shall not exceed one per cent. on the sum disbursed.

Engineers superintending the construction of a fortification, &c. to disburse the moneys.

Compensation therefor.

Proviso.

Time of service of cadets increased to eight years.

§ 28. *And be it further enacted*, That the term for which cadets hereafter admitted into the Military Academy at West Point shall engage to serve, be and the same is hereby increased to eight years, unless sooner discharged.

Three months extra pay given in lieu of the bounty now provided by law for re-enlistment.

§ 29. *And be it further enacted*, That in lieu of the bounty now provided by law for re-enlistment, every able-bodied, non-commissioned officer, musician or private soldier, who may re-enlist into his company or regiment within two months before or one month after the expiration of his term of service, shall receive three months' extra pay; and also any non-commissioned officer or soldier who shall have served ten consecutive years, and shall obtain from the commanding officer of his company, battalion or regiment, a certificate that he had faithfully performed his duty whilst in service, shall be allowed one hundred and sixty acres of land, to be designated, surveyed, and laid off at the public expense, in such manner and upon such conditions as may be provided by law, which land shall be patented to the soldier or his heirs and be not assignable until patented.

160 acres of land granted for ten consecutive years' service.

So much of acts 16th March, 1802 and 12 April 1806 as fix the height of enlisted men, repealed.

Act of 1802, c. 9, vol. 2, p. 830.
Act of 1806, c. 43, vol. 2, p. 1038.

§ 30. *And be it further enacted*, That so much of the eleventh section of the act of the sixteenth March, eighteen hundred and two, and so much of the fifth section of the act of the twelfth of April, eighteen hundred and eight, as fix the height of enlisted men, at five feet six inches, be and the same are hereby repealed.

Officers not to be separated from their regiment to engage in civil works; or in the service of incorporated companies, &c.

§ 31. *And be it further enacted*, That the officers of the army shall not be separated from their regiments and corps for employment on civil works of internal improvement or be allowed to engage in the service of incorporated companies, and no officer of the line of the army shall, hereafter, be employed as acting paymaster, or disbursing agent for the Indian department, if such extra employment require that he be separated from his regiment or company, or otherwise interfere with the performance of the military duties proper: *Provided*, That where officers of the army are now employed on civil works or in the Indian or pay departments as contemplated in this section, they may be continued therein not exceeding one year, unless the convenience of the service will admit of their withdrawal sooner.

Provide.

Pay, &c. of the superintendents of the armories at Springfield and Harper's Ferry; and of the master armorers.

§ 32. *And be it further enacted*, That the superintendents of the armories at Springfield and Harper's Ferry shall hereafter receive each the sum of fifteen hundred dollars, and rations, fuel, and quarters, as at present authorized; and that the master armorers of the same shall each receive the sum of twelve hundred dollars, and fuel, and quarters, as at present authorized; and that the aforesaid sums and allowances to the officers aforesaid shall be in full compensation for their services respectively.

Seven additional surgeons to be appointed by the President, &c. their pay and emoluments.

§ 33. *And be it further enacted*, That the President be, and he is hereby authorized, by and with the advice and consent of the Senate, to appoint seven additional surgeons; and that the officers whose appointment is authorized in this section, shall receive the pay and allowances of officers of the same grades respectively. *Approved, July 5th, 1838.*

CHAP. 173. An act supplementary to the act entitled "An act authorizing the appointment of persons to test the usefulness of inventions to improve and render safe the boilers of steam engines against explosions," approved twenty-eighth day of June, eighteen hundred and thirty-eight.

Act of 1838, c. 157, ante p.

§ 1. *Be it enacted, &c.*, That nothing in the act to which this is additional shall be construed to exclude from the consideration and examination of the commissioners, any plan of a steam engine, for propelling boats constructed without a boiler.

Approved, July 7th, 1838.

Inventions of steam engines without boilers for propelling boats, not to be excluded from the consideration &c. to be made under act June 28, 1838.

CHAP. 175. An act to authorize the sale of certain public lands of the United States near the Wabash and Erie canal, in the State of Ohio.

Act of 1834, c. 137, vol. 4, p. 2338.

§ 1. *Be it enacted, &c.*, That after the State of Ohio shall have completed the selection of lands authorized by an act entitled "An act authorizing the selection of certain Wabash and Erie canal lands, in the State of Ohio, approved June thirty, eighteen hundred and thirty-four, the President of the United States shall be, and he hereby is, authorized to proclaim for public sale the residue of the lands reserved from sale by said act; which sale shall be governed by the same rules and regulations, impose the same duties, and give the same rights, which are provided by the existing laws in relation to other sales of the public lands by proclamation of the President: *Provided however*, That no lands shall be sold at such sale for a less price than two dollars and fifty cents per acre.

After the State of Ohio shall have completed the selection of lands authorized by act of June 30th, 1834, the President is authorized to proclaim for public sale the residue of the lands reserved by that act, &c.

Proviso.

§ 2. *And be it further enacted*, That after the expiration of the time fixed in the proclamation of the President for the sale authorized in the first section of this act, any lands which may then remain unsold shall be subject to sale at private entry, at the price of two dollars and fifty cents per acre, and not less; and no lands hereby authorized to be sold shall be subject to entry under any pre-emption law of Congress. *Approved, July 7th, 1838.*

After the expiration of the time fixed for said sale, any lands remaining unsold shall be subject to private entry, &c.

Not subject to entry under pre-emption laws.

CHAP. 176. An act to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office.

Act of 1841, c. 10, Post p.

§ 1. *Be it enacted, &c.*, That the officers and soldiers of the Virginia line on continental establishment, their heirs or assigns, entitled to bounty lands within the tract reserved by Virginia, between the Little Miami and Scioto rivers, northwest of the river Ohio, for satisfying the legal bounties to her officers and soldiers upon continental establishment, shall be allowed until the tenth day of August, in the year one thousand eight hundred and forty, to complete their locations and surveys, and return their surveys and warrants, or certified copies thereof, to the General Land Office; and all entries and surveys which may have heretofore been made within the said reservation, in satisfaction of any such warrants, on lands not previously entered or surveyed, or on lands not prohibited from entry and survey,

Officers and soldiers of the Va. line on continental establishment, their heirs or assigns, entitled to bounty lands, allowed until 10th August 1840, to complete their locations, and return their warrants, &c.

All entries and surveys heretofore made in satisfaction of said warrants, on lands not previ-

only entered,
etc. shall be good,
&c.

Proviso.

Proviso.

No patent shall
issue for a greater
quantity of land
than the rank or
term of service
of the officer or
soldier, to whom
said warrant is
issued, would have
entitled him to
under the laws
of Virginia and
the U. S. regula-
ting the issuing of
such warrants,
&c.

Proviso.

shall be held to be good and valid, any omission heretofore to extend the time for the making of such entries and surveys to the contrary notwithstanding: *Provided*, That no locations as aforesaid, within the abovementioned tract, shall, after the passage of this act, be made on tracts of land which may have been previously patented, or which may have been surveyed in satisfaction of warrants granted for the legal bounties of said officers and soldiers: *And provided, also*, That no locations as aforesaid shall be made on any lands lying upon the west side of Ludlow's line; and any patent which may nevertheless be obtained for land located contrary to the provisions of this act, shall be held and considered as null and void.

§ 2. *And be it further enacted*, That no patent shall be issued by virtue of the preceding section, for a greater quantity of land than the rank or term of service of the officer or soldier to whom, or to whose heirs or assigns, such warrant has been granted, would have entitled him to under the laws of Virginia and of the United States regulating the issuing of such warrants; and whenever it appears to the Secretary of War, that the survey made by any of the aforesaid warrants is for a greater quantity of land than the officer or soldier is entitled to for his services, the Secretary of War shall certify, on each survey the amount of such surplus quantity, and the officer or soldier, his heirs or assigns, shall have leave to withdraw his survey from the office of the Secretary of War, and resurvey his location, excluding such surplus quantity, in one body, from any part of his resurvey, and a patent shall issue upon such resurvey, as in other cases: *Provided, however*, That no patent shall be obtained on any warrant under this act, unless there be produced to the Secretary of War satisfactory evidence that such warrant was granted for services which, by the laws of Virginia passed prior to the cession of the Northwestern Territory, would have entitled such officer or soldier, his heirs or assigns, to bounty lands; and, also, a certificate of the register of the land office of Virginia, that no other warrant has issued from the said land office for the same services. *Approved, July 7th, 1838.*

CHAP. 177. An act for the erection of a court-house in Alexandria, in the District of Columbia.

The Comr. of
Public Buildings
to cause a court-
house to be erec-
ted in Alexn., the
plan to be ap-
proved by the
President.

§ 1. *Be it enacted, &c.*, That the Commissioner of the Public Buildings in the city of Washington be, and he is hereby, authorized and directed to cause to be erected in the town of Alexandria, in the District of Columbia, a court-house, to contain all the offices and accommodations necessary for the court, clerk, marshal, and jurors of the county of Alexandria, and for the accommodation of the orphans' court for the said county of Alexandria; the plan of which building shall be submitted to and approved by the President of the United States before the commencement and operation thereon; or, if the President of the United States deems it more conducive to the public interest, he is hereby

Or, if the Pres.
deem it more
conducive to the

authorized to purchase the building owned by the late Bank of Alexandria, and convert it into a court-house and offices for the county of Alexandria. And there is hereby appropriated, for the purpose of erecting said court-house, the sum of not exceeding fifteen thousand dollars; to be paid out of any moneys in the Treasury not otherwise appropriated: *Provided*, That no greater sum than is appropriated by this act shall be expended in the erection of said court-house or the purchase of the building aforesaid. *Approved, July 7th 1838.*

public interest, he may purchase the building owned by the late Bank of Alexandria, &c.

\$15,000 appropriated. *Proviso.*

CHAP. 178. An act to reorganize the Legislative Council of Florida, and for other purposes.

§ 1. *Be it enacted, &c.*, That the legislative power of the Territory of Florida shall be vested in the Governor and the Legislative Council. The Legislative Council shall consist of two houses, to be called the Senate and House of Representatives. The House of Representatives shall be organized and the members thereof shall be chosen as is now prescribed by law for the present Legislative Council; and in addition to the present number, there shall be one member chosen for the county of Calhoun, one for the county of Dade, and an additional member for the county of Duval. The Senate shall consist of eleven members, to be chosen as follows: three shall be chosen from the western judicial district, including the county of Franklin, by general ticket of the qualified voters of the counties of said district, including the said county of Franklin; four from the middle judicial district, east of the Apalachicola river, to be chosen also by general ticket of the qualified voters of the counties of said district, so limited as aforesaid; three from the eastern judicial district, to be chosen also by general ticket of the qualified voters of the counties of said district; and one from the southern judicial district, to be chosen also by general ticket of the qualified voters of the counties for said district. Said Senators shall be elected for the term of two years.

The Legislative power of Florida vested in the Governor and Legislative Council.

Legislative Council to consist of the Senate and House of Reps.

Organization of the House of Representatives.

Members of, how to be chosen. Additional members.

The Senate to consist of eleven members, how to be chosen, &c.

Senators elected for two years.

§ 2. *And be it further enacted*, That the members of said Legislative Council shall receive each four dollars per diem during the session thereof, and four dollars for every twenty miles' travel to and from the seat of Government; the distance to be computed by the most direct route from the member's place of residence to the place where the session is held.

Members of the Legislative Council to receive \$4 a day, each, during the session, and \$4 for every twenty miles' travel.

§ 3. *And be it further enacted*, That the said Senators shall be elected in October next at the same time, in the same manner, and by the same qualified voters as is now prescribed by law for the election of members of the present Legislative Council, and biennially thereafter, in the manner that may be prescribed by the said Legislative Council; and the returns of the election of said Senators shall be made by the marshals of each of said districts to the Governor, in such manner as shall be prescribed by the Governor.

The Sen's shall be elected in Oct. next in the manner, &c. prescribed for the election of the members of the present Legislative Council; and biennially thereafter as may be prescribed by the Legislative Council, &c.

§ 4. *And be it further enacted*, That the Legislative Coun-

Legislative Council, by and with the consent of the Governor, vested with power to apportion the representation of either House.

Senate limited to 15 members.

Sessions limited to 75 days.

All acts and parts of inconsistent with this act repealed.

cil, by and with the consent of the Governor, are hereby vested with full power, at their first session or at any time thereafter, to apportion the representatives of either House of said Legislative Council as to them may seem best and proper, according to the population of the Territory ; and may, for the purpose of more effectually equalizing said representation, increase the Senate to any number not exceeding fifteen in the whole.

§ 5 *And be it further enacted*, That no session of said Legislative Council in any year shall exceed the term of seventy-five days.

§ 6 *And be it further enacted*, That all acts and parts of acts heretofore passed in relation to the Legislative Council of Florida which are inconsistent with or repugnant to the provisions of this act shall be, and the same are hereby, repealed. *Approved, July 7th, 1838.*

CHAP. 179. An act to provide for the support of the Military Academy of the United States for the year eighteen hundred and thirty-eight, and for other purposes.

Sec. Treas. authorized to pay the custom house officers the same compensation in the year 1838, according to the importations of that year, as they would have been entitled to, if act 14th July, 1832 had gone into effect.

Proviso.

§ 3. *And be it further enacted*, That the Secretary of Treasury be, and he is hereby, authorized to pay to the collectors, deputy collectors, naval officers, surveyors, and their respective clerks, together with the weighers, gaugers, measurers, and markers, of the several ports of the United States, out of any money in the Treasury not otherwise appropriated, such sums as will give to the said officers, respectively, the same compensation in the year one thousand eight hundred and thirty-eight, according to the importations of that year, as they would have been entitled to receive, if the act of the fourteenth of July, one thousand eight hundred and thirty-two, had gone into effect: *Provided*, That no officer shall receive, under this act, a greater annual salary or compensation than was paid to such officer for the year one thousand eight hundred and thirty-two ; and that in no case shall the compensation of any other officers, than collectors, naval officers, surveyors, and clerks, whether by salaries, fees, or otherwise, exceed the sum of fifteen hundred dollars each per annum ; nor shall the union of any two or more of those officers in one person, entitle him to receive more than that sum per annum ; *Provided further*, That the said collectors, naval officers, and surveyors, shall render an account quarterly to the Treasury, and the other officers herein named, or referred to, shall render an account quarterly to the respective collectors of the customs where they are employed, to be forwarded to the Treasury, of all the fees and emoluments whatever by them respectively received and of all expenses incidental to their respective offices ; which accounts shall be rendered on oath or affirmation, and shall be in such form, and supported by such proofs, to be prescribed by the Secretary of the Treasury, as will in his judgment, best enforce the provisions of this section, and show its operation and effect ; *Provided, also*, That in the event of any act being passed by

Proviso.

Proviso.

Congress at the present session to regulate and fix sala— or compensation of the respective officers of the customs, then this section shall operate and extend to the time such act goes into effect, and no longer: *Provided, however,* That the Secretary of the Treasury be authorized to extend to the collectors at such other ports where a surplus of emoluments have been accounted for and paid into the Treasury, in the year eighteen hundred and thirty-two, the privilege granted to the collector of New York, to take effect from the first day of January last: *Provided nevertheless* that no collector shall receive more than four thousand dollars, and no naval officer shall receive more than three thousand dollars, and no surveyor shall receive more than twenty-five hundred dollars per annum.

Proviso.

Proviso.

§ 6. *And be it further enacted,* That all the money arising from the bequest of the late James Smithson, of London, for the purpose of founding at Washington, in this District, an institution to be denominated the Smithsonian Institution, which may be paid into the Treasury, is hereby appropriated and shall be invested by the Secretary of the Treasury, with the approbation of the President of the United States, in stocks of States, bearing interest at the rate of not less than five per centum per annum, which said stocks shall be held by the said Secretary in trust for the uses specified in the last will and testament of said Smithson, until provision is made by law for carrying the purpose of said bequest into effect; and that the annual interest accruing on the stock aforesaid shall be in like manner invested for the benefit of said institution.

All money arising from the bequest of James Smithson, which may be paid into the Treas. shall be invested in State Stocks, at an interest of not less than five per cent, &c.

For procuring new machinery for the Harper's Ferry Armory the sum of twenty thousand dollars.

Machinery for the Harper's Ferry Armory.

§ 7. *And be it further enacted,* That the Secretary of the Treasury cause to be made under the superintendence of Mr. Hassler one standard balance for each State, and when completed that he cause them to be delivered to the respective Governors for the use of the respective States. *Approved, July 7th, 1838.*

Sec. Treas. to cause to be made under Mr. Hassler's superintendence one standard balance for each State, etc.

CHAP. 180. An act to provide for the settlement of the claim of the State of New-York for the service of her militia,

§ 1. *Be it enacted, &c.,* That the Secretary of War be, and he is hereby, authorized and directed to cause to be reimbursed and paid to the State of New-York, on the order of the Governor of said State, out of the appropriation for the prevention of hostilities on the northern frontier, such amount as the Paymaster General of the United States Army and the accounting officers of the Treasury shall ascertain and certify would have been due from the United States to the volunteers and militia called into the service of the State, in the latter part of the year eighteen hundred and thirty-seven and the first part of the year eighteen hundred and thirty-eight, for the protection of said frontier, by the Governor, if said volunteers had been duly called into the service of the United States and regularly received and mustered

Sec'y. War to cause New York to be paid such amount as the Paymaster Gen'l. and accounting officers of the Treasury shall certify would have been due to the volunteers and militia called into the service of that State in the end of 1837 and beginning of 1838, if they had been called into the service of the U. States.

Proviso.

Proviso.

by officers of the United States army, according to the laws and regulations which have governed in the payment of the volunteers and militia of other States: *Provided*, That the accounts of the agent employed by the State of New-York to make said payments, be submitted to the Paymaster General and the accounting officers for their inspection: *And provided also*, That no reimbursement shall be made on account of the payment of any volunteers or militia who refused to be received and mustered into the service of the United States or to serve under the officers of the United States army appointed by the President to command on the northern frontier. *Approved, July 7th, 1838.*

CHAP. 182. An act to establish certain post routes and to discontinue others.

Post roads.

§ 1. *Be it enacted, &c.* That the following be established as post roads:

MAINE.

In Maine—established.

From Unity to Thorndike.
 From West Eddington to East Eddington.
 From Gardiner, via Light's Corners and Searsmont, to Belfast.
 From Saco, by Goodwin's Mills to Alfred.
 From Acton corners, via Milton Mills and Union village, to Middleton corner, New Hampshire.
 From Alfred to Newfield.
 From Eden to Bar Harbor.
 From Waterville, via Clinton, Troy, North Dixmont, and Hermon to Bangor.
 From Dover, via Lower village, Atkinson, Wingate's corner and Milo village, to Kilmarnock.
 From Fish's Mills (ia township number four, in the 6th range west from the east line of the State) to Mattawamkeag point.
 From Bangor, via South Levant, to Stetson.
 From Machias to Westley.
 From Lewiston Falls, at Danville, by the river road, to Livermore Falls.

NEW HAMPSHIRE.

In New Hampshire—established.

From Lancaster, via Whitefield and Carroll, to White Mountain.
 From Colebrook, via Errol and Letter B, to Andover, Maine.
 From North Haverhill, via Woodville, West Bath, Lyman, North Lyman, West Littleton, and Lower Waterford, to Pingreeville.
 From Peterborough, via Jaffrey, Factory village and Rindge, to Winchendon.
 From Union village, via Brookfield, North Wolfsborough and Water village, to Tuftonborough.
 From Exeter, via East Kingston, South Hampton, and Newtown, to Haverhill, Massachusetts.
 From Concord, via Bow, East Dunbarton, and Centre Goffstown, to Piscataquog village.

From Bedford, via Goffstown, Hopkinton, Warner, and New London, to Hanover.

From Eaton, via Freedom, North Parsonfield and Limerick, to Hollis, Maine.

From Kingston, via Brentwood, Epping, Nottingham, Northwood, Pittsfield, Barnstead, Gilmanton iron works, to Guilford.

From Landaff, over Sugar hill, to Franconia.

From the centre of Washington by east Washington, to the Upper village in Hillsborough.

From Pittsfield by the store of George Nutter in Barnstead, over new Durham Bridge, by Middletown, Wakefield, Union Village, Milton Mill and Alton, to Alfred, in Maine.

VERMONT.

From Barton, via Irasburg, Coventry, and Troy, to Richford.

In Vermont—
established.

From Finneyville, via Clarendon and Clarendon Springs to West Rutland.

From Jeffersonville, via Waterville and Belvidere to Montgomery.

From Wilmington to Greenfield, Massachusetts.

MASSACHUSETTS.

From Adamsville, Rhode Island, via Hick's bridge, to Dartmouth.

In Massachusetts—
established.

From Washington, via North Becket, to Middlefield.

From Northborough, via Marlborough, Stow, Acton, and Chelmsford, to Lowell.

From Norton, via Attleborough and Pawtucket, to Providence.

From Barre, via Hardwick, to Ware.

From Westfield, via Montgomery, Norwich bridge, and North Chester, to Worthington.

From East Bridgewater, via John A. Conant's and J. W. Jenkins' stores, and East Abington, to South Weymouth.

From Worcester, via Milbury, Sutton, West Sutton, and East Douglass, to Douglass.

CONNECTICUT.

From Hebron, via Exter meeting-house and over Goshen hill, to Bozraville.

In Connecticut—
established.

From West Hartland, Connecticut, to Tolland, Massachusetts.

From New Haven, via Fair Haven, North Branford, North Guilford, North Madison, North Killingsworth, Chester Hadlyme, and Salem, to Norwich.

From the house of Robins Tracy, on the Colchester and Middletown turnpike, thence to the East Haddam and Colchester turnpike, by the store of H. & B. Palmer, and from thence through Mechanicsville, to East Haddam landing.

NEW YORK.

From Salubria, via West Catlin, and Hornby, to Painted post.

In New York—
established.

From New Haven, via Port Ontario and Lindseyville, to Ellisburgh.

From Colden, via Waterville corners, to Springville.

From North Blenheim, via Gilboa and Prattsville, to Clovesville.

From Granville four corners to Middle and West Granville.

From Schenectady, via Rotterdam, the church in the centre of Princeton, and Mariasville, to Braman's corners.

From Flushing to Manhassit.

From Poughkeepsie, via Crum Elbow, Pleasant plains, Clinton hollow, Shultz's store, Clintonville, Milan, and Rock city, to Red hook.

From Castile, via Portageville and Mixville, to Hume.

From the store of Charles F. and J. C. Hammond and Company, Essex county, via Samuel Murdoch's at Long point, to the old fort at Crown point; then across Lake Champlain, to Chimney point, in Addison, and through Addison and Panton, to Vergennes, Vermont.

From Malden, via Wynkoopsville, to Irvingsville.

From Attica, via Orangeville and Wethersfield springs, to Pike.

From Pine plains, via Gallatin, Ancram, and Copake, to Hillsdale.

From Angola, via Collins centre, to Springville.

From Aurora, via Griffin's mills, to Springville.

From Clay, via Phoenix, to Fulton.

From Somers, via Southeast and Patterson, to Pawlinga.

From Bouckville, via Pratt's hollow, Stockbridge and Bennett's corners, to Oneida castle.

From Troy, via Poestenkill, to Berlin.

From Ellenville, via Greenfield, Southwick's settlement, Wakeman's settlement, and Miller's settlement, to Monticello.

From Harpersfield centre, via North Harpersfield, to South Worcester.

From Lexington to Westkill.

From East Hampton to Amogansett.

From Clermont, via Elizaville and Jackson corners, to Montrose.

From Norwich, in Chenango county, by Smyrna, Earlville, Poolville, East Hamilton, North Brookfield, and Sangerfield centre, to Waterville, in Oneida county.

From Ephrata, via Pleasant valley, to Newkirk's mills, Fulton county.

From Berne and Waldenville, to Gallupville.

From Mexicoville to Colosse.

From Enfield to Newfield.

From East Solon, via Truxton, Fabius, Pompey, and Jamesville, to Syracuse.

From Darien centre, via Pembroke, to Alabama.

From Lowville, Lewis county, New-York, via Daysanville, Belfort, Indian river, Diana and Harrisville, to South Edwards, St. Lawrence county.

Discontinue as follows :

From Hydepark to Staffordville, and from Rhinebeck to Clintonville. Discontinued.

From Lodi, (Persia post-office) to Collins centre.

NEW JERSEY.

From Tom's river, via Dover furnace, New Egypt, Jacobstown, and Recklesstown, to Bordentown. In New Jersey
—established.

From New Brunswick, by Millstone, to Flemington.

From Hackettsville, to Belvidere.

PENNSYLVANIA.

From Hulingsburgh, via Michael Traverse's, Ross Corbett's mills, R. D. Lawson's mills, Orrs tavern, Kittaning, and George Ross's Mills, to Leechburg. In Pennsylvania
—established.

From Apollo, via M'Allister's, Pitts mills, Lower Crooked creek, salt-works, and Kittaning, to Orsville.

From Reading, via Mollstown, Hunter's forge, Klinesville, Michael Shaffer's and Featherrolfsville.

From Shelocta, via Warren and North Washington, to Pittsburg.

From New Alexandria, via New Derry, to Johnstown.

From Greensburg, via Murraysville, Logan's ferry, Alter's store, North Washington, M'Ilvaine's store, and Congruity meeting-house, to Greensburg.

From Brownsville, via Greenfield and Columbia, to Monongahela city.

From Cannonsburg, via Venice and Webster's, to Racoon.

From Stamptown, via Mount Zion, to Lebanon.

From Mexico, through Tuscarora valley, to Waterford.

From Mercer to Westley.

From Newcastle, via Eastbrook, to Harlansburg.

From Newcastle, by Palaski, Sharon, and Clarksville, to West Greenville.

From Shamokin, via Coal post-office, to Fountain springs, Schuylkill county.

From Montoursville to John Barber's mills, Plunket-creek township.

From Caledonia, via the first fork of Bennett's branch of the Sinnemahoning creek, to Coudersport.

From Hazleton, via East Sugarloaf, to Wilkesbarre.

From Cumberland, Maryland, via Wellersburg, to Berlin.

From Bath to Klecknersville.

From Philadelphia, via Frankford, Fox Chase, Huntington, Sorrel Horse, Davisville, Springville, Richborough, Newtown, Dolington, and Taylorsville, to Pennington, New Jersey.

From Shippensville, by Fitzer's mill, Lucinda's furnace, and John Walter's settlement, to Tionesta.

From Polsley's mills, via Blacksville to Waynesburg.

From Forest Lake, by the Choconut-creek road, to Union, New York.

From Leroy, via Granville, and Leonard's hollow, to Springfield.

From Sweden, via Ulysses, to Harrison valley.

From Wrightsville, via Yoholi, Grahamville, and M'Coll's ferry, to Peach bottom.

From Hart's cross-roads, by Line's mills, to Conneautville.

From Blakely to Thompson, Susquehanna county.

From Butler, via Prospect, and Portersville, to Newcastle.

From Mauch Chunk to Nesquehoning.

From Mauch Chunk to Stroudsburg.

From Honesdale, by Cherry-ridge, Purdy settlement, Paupock settlement, and East Sterling, to Labor's post office, Monroe county.

From Unity, by Petersburg, Ohio, and Mount Jackson, Pennsylvania, to Newcastle.

From Elkland, Tioga county, to Addison, New York.

From Pittsburg, by Ellicott's store, Clinton, and Murdocksville, to Fair View.

From Florence, in Washington county, Pennsylvania, via : Commettsburg and Fair View, to Welshville, Columbiana county, Ohio.

From Abington centre to Providence, in Luzerne.

From Margaretta Furnace to Bangor Forge in the County of York.

From Le Roy Post Office, by Calvin W. Churchill's in Greenville, Nathaniel Albin's in Troy, to the Post Office in Troy, to the Post Office in Springfield, Bedford county.

From Steventville, in Pike, to the Post Office kept by William Warfield in Orwell, Bradford county.

DELAWARE.

In Delaware—
established.

From Smyrna, in Kent county, to the village of Leipsic.

From Milford to Cambridge, in Maryland, passing through Williamsville, Marshyhope bridge, Collin's cross roads, Lowe Hunting creek and Newmarket.

MARYLAND.

In Maryland—
established.

From Queenstown, via Centerville, Ruthsburg, Nine Bridges, Greensborough; and Willow Grove, to Dover, Delaware.

From Mann's post office, via mouth of Sidelinghill creek and Tunnell, to Oldtown.

From Elkton to Warwick.

From Princess Ann, via Tord's store, to S. Mister's, Somerset county.

From Princess Anne, via Kingston, to Rehoboth.

VIRGINIA.

In Virginia—
established.

From Chamblysburg to the Big Lick, Botetourt county.

From Fincastle to Giles court-house.

From Mount Airy to Meadville.

From Froadford to Marion.

From Charlotte court-house, via Watkin's store, Wylliesburg, Jeffries's store, and Oakley, to Clarkville.

From Lowmans, via the forks of Hughes river, Preble's mills, and Creel's mills, to Parkersburg.

From Belleville, via Muses' bottom, mouth of Sandy creek, and Ripley, to Point Pleasant.

From Morgantown, via Dent's mills, and David Snider's to Rivesville.

From Newbern, via High rock, to Cranberry Plains.

From Floyd court-house to Cranberry Plains.

From Winchester to Parkersburg, along the northwestern turnpike road.

From German settlement, via Westernford, to Gladly creek cross-roads.

From Rye valley to Sinclair's bottom, Smyth county.

From Jonesville to Turkey cove, Lee county.

From Alexandria, via Winter-hill, to Drainsville.

From Lockhart's tavern, Frederick county, to Wardensville, Hardy county.

From Salem, North Carolina, via Madison, to Martinsville.

From Salem, Virginia, via Newcastle, to Sweet Springs.

From Gauley bridge, via Fayetteville, to Beckley.

From Rye valley, Smyth county, to the mouth of Wilson creek, Grayson county.

From Lebanon, Russell county, via Nashford Hanaker's store, to Richland, Tazewell county.

From Patrick court-house to Mount Airy, North Carolina.

From Liberty, Bedford county, via Buchanan, to Pattonsburg.

From Parkersburg to Belpre, Ohio.

From Somerfield, Pennsylvania, to Brandonville, Virginia.

From Grayson court-house to Grayson Sulphur springs.

From Speedwell, via Cripple creek, to Austinville, Wythe county.

From Timberville to Brock's gap.

From the northwestern turnpike, at or in the vicinity of James Curry's to Booth's ferry, on Tygart-valley river.

From Middle-island bridge, on the northwestern turnpike, to Lowan, Lewis county.

From Bulltown, down the valley of the Little Kenawha, to Elizabethtown.

From Drummondtown, Accomack^a county, by Locustville and Smithville, on the seaside road of said county, to Pungoteague.

From Hillsborough to Harper's Ferry.

From Lovesville to Berlin, in the State of Maryland.

From Clarksburg, via Ten-mile, to Shinston, in the county of Harrison.

From Logan court-house to Red Sulphur Springs.

From the Natural Bridge post office, in Rockbridge county, via Daggart's springs, to Clifton forge,

From Brandonville, in Virginia, to Bryant's post office, in Fayette county, in the State of Pennsylvania.

From Beckley's mills to Reuben Stut's.

From Covesville to Fobes's mill.

From Blue Sulphur Springs, via Gwinn's springs, thence down Lick creek to New river, up same to the mouth of Greenbrier river, to Palestine, thence to Lewisburg.

NORTH CAROLINA.

In North Carolina—established.

From Ford creek, via Fishdam, Hancock's store, or Leather's cross-roads, to Chapel hill.

From Weldon to Halifax; thence to or near Enfield, Waynesborough, and South Washington, to Wilmington; thence to Charleston, South Carolina.

From Lincolnton, via Hoylesville, Spring mills, and Erasmus, to Yorkville, South Carolina, and returning via Catawba creek.

From Waynesborough, via Whitfield mills and Jericho, to Strabane.

From Pickens court-house, South Carolina, through Macon and Haywood counties, and down the Tuskegee river, by John B. Love's and Scoop Euloe's Sevierville, Tenn.

From Falls post office to Catawba-creek post office.

From Statesville to Mount Airy, Surry county.

From Middletown, Hyde county, to some point on the Chickamacomica banks, in said county.

From Hillsdale to Madison, on Dan river.

From Hillsborough, by Samuel N. Fate's store and Mount Willing, to Rock-creek or Fogleman's post office.

From either Fair Bluff or Porter Swamp's offices to either Leesville or Lumberton.

From Shallotte, by Dred Boazman's to White Marsh office.

From Norwood's store, via Rocky-river springs and Jacob Efords, to Mount Comfort.

From Beatty, on Black river, via James Allen's to J. R. Corbett's.

From Carthage to Greensborough.

From Newcastle, by Brier creek, Mulberry gap, Laurelspring, and John Williams's, in Ashe county, North Carolina, to the mouth of Wilson creek, Virginia.

From Pleasant garden, by Turkey cove, through Yancy county, North Carolina, to Elizabethtown, Tennessee.

From Washington to Portsmouth and Ocracoke.

From Fayetteville, up the Cape Fear river, on the west side, to McNeil's ferry, Blalock's store, Raleigh, Johnson's store, and Draughn's store, to Fayetteville.

From Raleigh to Gray Sill's.

From Hillsborough to Boxborough.

From Gaston, via Henderson, to Raleigh.

From Henderson to Williamsborough.

From Pittsborough to Chapel hill.

From Seagle's store, via Peter Warlick's store, to Mull grave.

SOUTH CAROLINA.

From Damascus to Mooresborough, North Carolina.

From Athens, George, to Lauren's court-house.

From Stantonville to Pendleton.

In South Carolina—established.

From Sumterville, by Plowden's mills, and Brewington, to Jacksonville, South Carolina.

From Younguesville, via Hazlewood, Pedensville, and Torbert's, to Chester court-house.

From Marion court-house, by Allen's bridge, (on Little Pedee,) Harleesville, and Clio, to Bennettsville.

From King's tree, by Murray's and Lenud's ferries on the Santee river to Georgetown.

From Lynch's creek post office to Conwayborough.

From Mount Willing to Lexington court-house.

From Pickens court-house, Mullen's fort, Aquilla, Georgia; thence by Clearmont, Bachellor's Retreat, and Pendleton, to Pickens court-house.

From Union court-house, via Hancockville, to Limestone springs in Spartanburg district.

From Charleston to Walterborough, by the way of the South Carolina railroad and George's station.

From Pinckneyville, by Gondysville, to Hancockville.

Discontinue as follows :

From Walter's ford to Mullen's ford.

Discontinued.

So much of route number two thousand two hundred and fifty-five as extends from Leesville to Mount Willing.

From Lexington Court House, to Doctor W. W. Guger's store, in Edgfield District.

GEORGIA.

From Camack, via Double-wells, Crawford, Irville, Green, and Baldwin's store, to Greensborough.

From Danielsville, via Maryville, Wind's mills, or Amandaville, and Pierman's, to Montevideo.

From Gainsville to Clarksville.

From Cherokee court-house, Alabama, via Chatooga, Oldtown, Hopkinsville, Beavers, and Pleasant Green, to Islandtown.

From Treadway's post office, via Beavera, to Almons, in Broomtown valley.

From Campbelltown, via Huntsville, Parlier's cross-roads, (on the High-tower river,) to Cassville.

From Elberton to Carnesville.

From Macon, Bibb county, Georgia, via Pine-level, Fort Valley, Bartlett, and Macon court-house, to Americus.

From Sparta, via Powellton, to Double-wells.

From McDonough, via Chamber's store and Hancock's, to Sandtown.

From Lombardy, via Sweet-water iron works, Willis Howard's, and James Stone's, to Louisville.

From Forsyth, via Van Buren and Herrington's store, to Fayetteville.

From Decatur, De Kalb county, by Pace's ferry, on the Cat-tahoochie, to Marietta, Cobb county, Georgia.

From Brunswick, via Benjamin Lile's and Wayne court-house, to Halmesville.

From Macon, Georgia, by Lumpkin, in Stewart county, to Irwinton, Alabama.

From Lafayette, in Walker, Georgia, to Rossville, in the same county.

From Athens in Georgia, via Monroe, Walton county, Lawrenceville, Gwinnett county, Canton, Cherokee county, Cassville, in Cass county, Rome, in Floyd county to Sommerville, Morgan county, Alabama, and Hume to Decatur, in said State.

From Columbus Georgia, via Fort Mitchell, Florence, Georgia, and to intersect the steamboat mail line Bainbridge, Georgia, for Appalachicola and St. Joseph's in Florida.

FLORIDA.

In Florida—established.

From Tallahassee, via Alligator, to Jacksonville.

From Monticello, Jefferson county, through Hamilton county, to the Gadsden Spring, Suwannee river.

From Langsbury, Camden county, Georgia, via Burnt-fort ferry, to Haddock's, Florida.

From Tallahassee, via, Iola, to St. Joseph.

From Haddock's to Jefferson, Georgia.

From Monticello, via the Mineral springs, to Jacksonville.

KENTUCKY.

In Kentucky—established.

From Jeffersontown to Harrodsburg, by Chaplin and Taylorsville.

From Shelbyville to Harrisonville.

From Piketon, by the mouth of Pond Creek, to Logan court-house, Virginia.

From Springfield, Tennessee, by Keysburgh and Trenton, to Hopkinsville.

From Graysville, to Nashville Tennessee.

From Columbia via Alexander Walker's and Joseph Nelson's, jr. to Edmonton.

From Somerset to Jamestown.

From Newcastle to Wallaceville, Henry county.

From Greenville, by the mouth of Muddy river, to Morgantown.

From Waidsboro to Paducah.

From Stephensport to Boonsport.

From Princeton, by Cold Springs and Montezuma, to Providence.

From Princeton, by Millville and Ferry corner, to Canton.

From Williamstown to Warsaw.

From Flag spring, by Motier and Locust grove, on the Ohio river, to Augusta.

From Burkesville to Livingston, Tennessee.

From Poplar flat, Lewis county, to Mount Carmel, Fleming county.

From Little Sandy Saline, Greenup county, by Charles N. Lewis's, to Blainsville, Lawrence county.

From West Liberty, by Joseph Adkin's to Little Sandy Saline.

From Greensburg to Edmonton.

From Bowling Green, by the Lock and dam on Big Barren first below Bowling Green, by the lock and dam on Green river, next below the mouth of Barren river, by Morgantown, and by the lock and dam near the mouth of Muddy river, to Hartford.

From Chaplin, by Hobb's mill and Paoli, to Maxville.

From Witcher's cross-roads, by the houses of Isaac Pipkin and Reuben Roark and Grey Cook, to Tompkinsville.

From Henderson to Carlow.

From Monroe, Hart county, by Salt-works, on Little Barren river, to Edmonton.

From Lawrenceburg, by the way of Van Buren, to Taylorsville.

From Chaplain to Harrodsburg.

From Motnicello, via Albany, to Burksville.

From Glasgow, Kentucky, to Hartsville Tennessee.

TENNESSEE.

From Lynchburg, by W. W. Gill's store, Elijah Flack's and Petersburg, to Cornersville. In Tennessee—established.

From Eaton, by Forked Deer turnpike and Ripley to Fulton.

From Paris, by Caledonia, Fleming's, Christmasville and Shady Grove, to South Gibson.

From Pikeville, by James L. Loyd's, Thomas's cross-roads, Wheeler Hanson's, Kirkland's, Hillard's and Shelton's to Oatt's landing.

From Purdy, by Rosson's bridge and Matamora, to Ripley.

From Savannah, by Cedar hill and Hawkin's ferry, to Carrolls-ville.

From Sevierville to Sweden furnace.

From Gallatin, by Cross-plains, Keasburg and Allinsville, to Elkton.

From Masts, by Shady, crossing Stone mountain at Bakers' gap, thence by Elijah Dougherty's, in Johnson county; thence to Roane's creek, and up the same to Taylorsville, Ashe county, North Carolina, to Taylorsville, Tennessee.

From Lagrange to Tuscumbia, Alabama.

From Sulphur springs, by Horsby's ferry, to Decatur.

From Mount Pleasant, via Napier and Catron's iron-works, Lawrence county, via Buckner and Dixon's store, to Waynesborough.

From Somerville, by Brown's store, Starky Hare's, Littlejohn's, Germantown and Titus bridge, to Hernando, Mississippi.

From Carrollsville to Lexington.

From Liberty, by Short mountain, to Manchester.

From Cox's creek, Knox county, to Mount Bethel, Roane county.

From Perryville, by Cub-creek springs, to Lexington.

From Ball-play, Monroe county, to Austin Glenn's on Cane creek, same county.

From Red bridge, Hawkins county, to Allen's station, same county.

From Kingsport, along the Stanly-valley road, to Rogersville.

From Maryville, by Montvale springs, Cheoee, Valley river, and Blairsville, to Dahlonega, Georgia.

From Knoxville, by Louisville, Unitia, Morgantown, Eve's mills, Rockville and Midway, to Athens.

From Kellysville, via Lourass old ferry, Nickajack, across Raccoon mountain, to Squirreltown, in Georgia.

From Dallas to Spring place.

From Kingston to Oliver's house, in Anderson county.

From Ross Landing to Cleveland.

From Gallatin, by Lagado Academy, Murfreesborough.

From Perryville, by New Madrid to Waverly.

From Kingston, Tennessee, via Ten mile stand, Decatur, Kin-cannon's ferry, Ross's lanking, and Turkeytown, to Jacksonville.

From standing-rock post office, Stuart county, via, Lagrange and Fairchance furnace, to Waverley, Humphrey county.

From Charlotte, via Point Mason, on Tennessee river, to Paris, Tennessee.

From Elizabethton, up Stony creek, through Shady, to Abington, Virginia.

From Dresden, via Hunter and Pound's store, Winton, and Ridley Jones's to Dyersburg.

From McMinnville to Jasper.

From De Kalb court-house, via Short mountain, to Manchester.

From Millersburg, in Rutherford County, via White's store to Shelbyville.

From Nashville, down the south side of Cumberland river by William Shelton's to the mouth of Syracuse creek, thence to, crossing at Gibb's ferry, by Braxton Lee's, Wilson Crockett's and the Sulphur Springs, to Nashville.

From Sevierville, Tennessee, via Smoky mountain, Shoal creek store, Scott's creek post office, to Pendleton, South Carolina.

OHIO.

From Greenville, via Fort Recovery, Grantville, Montezuma, St. Mary's and Guilford, to Van Wert.

From Russelville, through Arnhien, to Sardinia, in Brown county.

From Georgetown, in Brown county, through Freesburg and New Boston, to Felicity, in Clermont county.

From Williamsburg, through Bethel, via Sharpsburg, to Felicity, in Clermont county.

From West Union, in Adam's County, to Hillsborough, in Highland county.

From Greenville, via Montezuma, Celina, Mercer, and Van Wert to Defiance.

From Van Wert, via Judge Cochran's to Kalida.

From Wapakonetta, via Hartford and Judge Cochran's, Putnam county, to Franconia.

From Kenton, via Lima, Shawnee, Amanda, and Guilford, to Mercer.

From Froy to Covington.

From Sidney, via Harden, to Houston.

From Defiance, via Brunnersburg, Washington centre, St. Joseph, and Denmark, in Ohio, and Perseverance, Stubenville, Little prairie, and Pretty prairie, to Lima, Indiana.

From Perrysburg, via Waterville, Benton Gilead, and Ottawa, to Lima, Ohio.

From Maumee city via Swanville, Granville, Turkeyfoot prairie, and Eatonsburg, to Lafayette, (on the Little St. Joseph's) Williams county.

From Melmore via Attica, to New Haven.

From Tiffin to Fort Findley.

From Norwalk, via centre of Bronson, to Truxville.

From Lower Sandusky to Montgomery cross-roads, Wood county.

From Tiffin, via Rome, to Ridsen, Seneca county.

From Nashport, via Perryton and Fallsbury, to Martinsburg, Knox county.

From Zanesville, via Samuel Beaver's, George Smyth's, and John G. Pigman's, to Coshocton.

From Senacaville, via, Johnson's Mills, Bye's Mills, Cambridge, Mackey's, and Adamsville, to Dresden.

From Eaton, via Castine, to Greenville,

From Cadiz, via Leesburg and Sandyville, to Bethlehem.

From Sinking Spring, Highland county, via Jasper and Pike-ton, to Jackson court-house.

From Witten's post office, via Graysville, Van Buren, Carlisle, and Pereopolis, to Cumberland.

From Sunfish, down the Ohio river, via Witten's post office, to Woodfield.

From Wheelersburg, via Charles Kelly's Mills, Pine Grove Etna Furnace, Patriot, Ridgeway's Vinton, and Wilkesville, to Smithfield.

From Pennsville, via Chesterfield, to Bartlett.

From Wilkesville, via Rutland, Chester, Buffington's island, and the Great Bend, in Meigs county, to Ripley, Virginia.

From Wilmington, via Oakland, Howaysburg, Franklin, and Winchester, to Eaton.

From Wilmington via Burlington, Xenia.

From Painsville, in Geauga county, along the north ridge road, to Ashtabula, by North Perry, Arcole, and Geneva.

From Zanesfield to Downingsville, Logan county.

From Franklin, Portage county, via Streetsborough, Aurora, Bainbridge, Russell, Chester, Kirkland, and Mentor, to Richmond city, Geauga county.

From Akron, via Copley centre, Sharon centre, and Montville, to Medina.

From Burnett's corners, via Chagrine Falls and Bainbridge, to Auburn.

From Coshocton, via Roscoe, Warsaw, Mohican, and Rochester, to Danville.

From Millersburg, via Nashville, to Londonville, Richland county.

From Chesterville, via Woodbury and McClure's cross-roads, to Shelby, Richland county.

From Leavitt to W ynesburg.

From Croxton to M'Caig's.

From West Jefferson, via West Canaan, Darby creek, Alvin Randall's, in Union county, and Bellepont, to Delaware.

From Lower Salem, Washington county, via Moses T. Spencer's, on Duck creek, and Bethel, to Woodfield.

From Copley by Western Star to Clinton.

From Windham, by Garrettsville to Hiram.

From M'Connellsville to Francis Treeblecock's, thence to Peter Keith's, thence to Olive post-office.

From Reynoldsburg, via Pickerington and West Carrollton, to Lancaster.

From Bellefontaine, in Logan county, to Wapaukonetta, in Allen county, by the way of Lewistown, in Logan county, and St. John's, in Allen county.

From Bellefontaine, in Logan county, to St. Mary's in Mercer county, by the way of the crossings at Plum's on the Great Miami and St. Johns, and Wapaukonetta, in Allen county.

From Springfield, in Clark county, to New Carlisle, in the same county, by the way of Clarksburg and Northampton.

From Springfield, in Clark county, to Chillicothe, by the way of South Charleston, Grassy Point, Bloomingsburg, and Frankfort.

From Hartford, in Trumbull county, to Grenville, in Mercer county, Pennsylvania, through the village of Orangeville.

From Unionville to Ellensburg, in Geauga county.

From Southington, through the centre of Farmington, to Mesopotamia, in Trumbull county.

From Deerfield, in Portage county, Ohio, to Edinburg, in the same county.

From Leavitt, by Dallas, to Waynesburg.

From Ravenna, in Portage county, Ohio, to Twinsburg, in the same county, through Streetsborough.

From Lafayette, on the Little St. Joseph's, Williams county, Ohio, to Fort Wayne, Indiana.

From New Lisbon, through Salem, to Benton.

From Osnaburg, in Stark county, to New Cumberland, in Tuscaroras county.

From Xenia, in Green county, to Dayton, in Montgomery county, on the direct route.

INDIANA.

From Monticello, via White Post, to Winamac, in Pulaski county, Indiana. In Indiana—established.

From Fort Wayne, via Whitley court-house and Warsaw, to Plymouth.

From Goshen to Middlebury, in Elkhart county.

From Rockville, by Annapolis, West Union, Wesport, and Johnson's mills, to Covington.

From Huntersville, by Concord and Point Pleasant, to Attica.

From Greensburg, by Hartsville and Newbern, to Columbus.

From Columbus, by Mount Sidney, to Flatrock post office.

From Danville, by North Salem, Carrollton, and Ladoga, to Crawfordsville.

From Shelbyville, by Black-hawk, to Edinburg.

From Livonia to Hardingsburg, (on the great western mail route from Louisville to St. Louis.

From Lexington by Albion, to Slateford.

From Leesville, by Baile's mills and Nashville, to Morgantown.

From Spencer, by New Brunswick and Lebanon, to Merom.

From Bedford, by elder John Short's (on Indian creek), Bloomfield, and Scaffold prairie, to Bowling green.

From Bedford, by Spice Valley, to Mount Pleasant.

From Westfield, by Farmington, to Strawtown.

From Fairfax, by Marysville, and Springville, to Frasier's store,

From Bedford, by Frasier's store and Hammersly's mill's, to Mount Pleasant.

From Vincennes, by James Stewart's and Ramsey's store, (at the rapids of the Wabash,) to Mount Carmel.

From Springville, by Point Commerce and Rawley's mills, to Terre Haute.

From Vincennes, by Petersburg, to Boonville.

From Edwardsport, by Stafford's bridge, to Fairplay.

From Defiance, Ohio, along the Bellefontaine State road, to Mingoquining.

From Muncietown, by Granville, Mount Pellicer, and Murray, to Huntington.

From Marion, by Wabashtown, and Laketon, to Warsaw.

From Fort Wayne, by Cedarville, Auburn, and Angola, to Branch court-house, Michigan.

From Fort Wayne, by Orange and Vienna, to Denmark.

From Centreville, by Philometh, to Brownville.

From Centreville, by Greensfork, Bloomingport, Winchester, Spartanburg, Republican and Whitewater, to Richmond.

From Logansport to Sparta, in Noble county, Indiana.

From Logansport, via Winamot, in Pulaski county, and Sherwood's ferry, on the Kankakee and Valparaiso, to City West, in Porter county, Indiana.

From Green Castle, Indiana, via New Maysville, North Salem and Jamestown, to Lebanon, Boone county, Indiana.

From Merom, in Sullivan county, via Lehi, to Rawling's mill, in the county of Clay, Indiana.

From Fredonia, by Princeton, Indiana, to Mount Carmel, Illinois.

From Logansport, Indiana, by Leesburg, Millford, Goshen, and Middlebury to White Pigeon.

ILLINOIS.

In Illinois.—established.

From Coles court-house, by Independence and New Albany, to Urbana.

From Hillsboro to Shelbyville.

From Montgomery, by Middleport, to Levi Thompson's on Spring creek.

From Maysville, by Louisville and Ewington, to Shelbyville.

From Marshal to Charleston.

From Paris, by Urbana, to Montgomery.

From Montgomery, by Parish's grove, to Williamsport, Indiana.

From Danville to Williamsport, Indiana.

From Equality, by Carmi and Williams's ferry, to Mount Vernon, Indiana.

From Williams's ferry to New Haven.

From Savannah, by Cherry Grove and Crane's grove, to the mouth of the Pekatonica,

From Milton to St. Charles, Missouri.

From Black Partridge, by Lacon, to Hennepin.

From Iroquois, by Plato and Pontiac, to Hennepin.

From Pontiac, by Josephine and Holland's grove to Tremont.

From Hennepin, by Princeton, the seat of justice of Henry county, and the seat of Justice of Mercer county, to New Boston.

From Bloomington, by Hudson, Josephine, Black Partridge, Lacon, Wyoming, and the seat of justice of Henry county, to Stephenson.

From Warsaw, Hancock county, to Augusta.

From Dixon's ferry, by Harrisburg, Round grove, Whiteside county, and Union grove, to Fulton city, on the Mississippi river.

From Henderson, by Berlin, and Richland grove Mercer county to Stephenson.

From Grafton to St Charles, Missouri.

From Grafton, by the house of J. M. Hurd, Jerseyville and Delaware, to Carlinville.

From Urbana, by Clinton, and Waynesville, to Havana, (on the Illinois river.)

From Decatur, by Salt creek (near the mouth of the lake fork of said creek,) to Tremont.

From Danville by Pontiac, to Ottawa.

From Fort Madison, Wisconsin Territory, Appanooce, La Houpe, Ellisville, Farmington, and Harkness, to Peoria.

From Chicago, by Brush hill, Napierville, Little Rock, Pawpaw grove, and Inlet, to Dixon's ferry.

From Ewington, by Salem and Martin's ferry, to Greenville.

From Jonesborough, by the way of Whitaker's landing, mouth of the Muddy, and Breesville, to Liberty.

From Geneva, in Kane county, by Charleston, Elgin, McClure's Grove, McHenry, Foxville, and Rochester, to Prairie village, in Wisconsin Territory.

From Stephenson in Rock Island county, up Rock river to Rockford in Winnebago county.

From Knoxville, by Lafayette, Oceola, Providence, and Windsor to Enterprise, near the termination of the Illinois and Michigan canal, on the Illinois river.

From Canton in Fulton county, by Cuba and Travis, to Macomb, in McDonough county.

From Peoria, by Oceola, Thermopylæ, to Savannah, in Jo Davies county.

From Madison, the permanent seat of justice of the Wisconsin Territory, by St. George's rapids on Rock river, in said Territory, and from thence down on the eastern side of said river, to Dixonville, in Ogle county.

From Juliet, in Will county, by Du Page, Napierville, Geneva, Sycamore, Gatt's Mills, Sager's Millr, Winnebago, Trask's Ferry on the Peekatonokee, Rock Grove, and Hamilton's Diggings, to Mineral Point, in Wisconsin Territory.

From Lasalle, in Lasalle county, by Grand Detour, on Rock river, Freeport, and Brewster's ferry, on the Peekatonokee, to Mineral Point, in the Wisconsin Territory.

From Aurora, in Kane county, by Cottonville and Kingston, to Rockford in Winnebago county.

From Macomb, in McDonough county, by Muddy Lane post office, La Harpe, Hartford and Appanooce, to Fort Madison in Iowa Territory.

From Ottawa, in LaSalle county, by Daton; Lorain Rockville, Bristol and Hartford, to Geneva, in Kane county.

From St Mary's, in Hancock county, by Hill's Grove, to Maccomb, in McDonough county.

From Lafayette, in the State of Indiana, thence down along the Vermilion of the Illinois river to LaSalle, in LaSalle county, Illinois.

From Lafayette post office, in Greene county, by Oceola and Waverly, to Springfield in Sangamon county.

From Jonesborough, in Union county, by Willard's and Smith's ferries on the Mississippi river, to Jackson, in the State of Missouri.

From Liberty, in Jackson county, down along the bottom of the Mississippi river, by Breesville, and Willard's ferry, to Clear Creek Landing, in Alexander county.

From Iroquois, in Iroquois county, by Lorain, on the Kankakee river, Thornton and Portland, to Chicago.

From Griggsville, in Pike county, by Worcester, to Kinderhook, in the same county.

From McClure's Grove, in Kane county, by Denney's ferry on Fox river, Crystal Lake, Walcup, in the Virginia settlement, passing the head of Geneva Lake, and Conlogi's settlement to Janesville, on Rock river, in the Wisconsin Territory.

From Springfield, in Sangamon county, by Athens and New Market to Havana, on the Illinois river.

From Dixonville in Ogle county to Savannah, on the Mississippi river, in Jo Davies county.

From Pittsfield, in Pike county, by Worcester and Payson, to Quincy, in Adams county.

From Mendozia in Morgan county, by Versailles post office, Mount Sterling, Clayton, Houston, and Chili post office to Warsaw, in Hancock county.

From Peoria by Wyoming, Oceola, the Narrows of Green river, Thermopylae, on Rock river, to Savannah, in Jo Davies county.

From Lewistown, in Fulton county, by Cuba, Ellisville, and Troy to St. Augustine.

From Manchester, in Morgan county, by Linnville, Bethel, and Arenz's Mills, to Beardstown in Cass county.

From Quincy, in Adams county, to Maccomb, in McDonough county.

From Lewiston in Fulton county, by the Table Grove, Rall's Mills, Huntsville, Indian Point Camp and Gilmer's farm to Quincy.

From Chicago by Geneva, the seat of Justice of De Kalb county, and Oregon city, to Hitt's farm, on the road from Dixon's ferry to Galena.

LOUISIANA.

In Louisiana—
established.

From Vicksburg, Mississippi, by Walnut and Roundaway bayous, across Teucas and bayou Macon, to Monroe.

From Harrisonburg, by Runne Louis and Dugdeмония, to Natchitoches.

From Vicksburg, Mississippi, by New Carthage, Hardy Hills, Boeuf prairie, and Columbia, to Dugdeмония.

From Shreveport, by Epps's settlement and Capdo prairie, to Long prairie, Arkansas.

From Alexandria, by Hineston, to Jenkin's, and Droddey's ferry, on the Sabine.

From Thibadeauxville to Knoblock's in the parish of La Fourche interior.

From Madisonville, in the parish of St. Tammany, to Warners, in the parish of Washington.

From Natchitoches to Grand Cane.

ALABAMA.

From Columbus, Georgia, via Mount Ararat, Salem and Coleman's, to Tallapoosa court-house. In Alabama—established,

From Spring Hill, in Marengo county, via Boston, Dayton and Whitehall, to McKinley.

From Cussetta, Chambers county, via Mount Jefferson and Auburn, to Tuskegee.

From Benton to Selma.

From Suggsville, via Gainestown, to Mount Pleasant.

From Montreal, via Wedowee, to Carrollton.

From Talladega, via Abney's old ferry, on the Coosa river, to Ashville.

From Jacksonville, via Alexandria, to Ashville.

From Jacksonville, via White Plains, Lackey's store, on Cane creek, N. Pond's, in Tallapoosa, to Carrollton, Georgia.

From Salem, via Larkin's fork, Trenton, Larkinsville, Santa, Langston, Wyatt, Coffee's, to Van Buren, and from Bellefonte to Scraper.

From Nanafalia, in Marengo county, via Hosea's store, Rawl's store, Dumas settlement, Upper and Lower Peach tree and Pack-er's settlement, to Monroeville, Monroe county.

From Rome, Georgia, Gaylesville, Alabama, Lynchburg, Warrenton, White Sulphur springs and Somerville, to Decatur.

From Pineville, via Tuscahoooma and Mount Sterling to Quitnam, Mississippi.

From Florence to Buzzard roost.

From Marion, Mississippi, via Alamucha, to Gaston.

From Blountsville to Ashville.

From Demopolis, by Langdon's store, Daniel's prairie and Clinton, to Pickensville.

From Fayette court-house, by Millport, to Columbus, Mississippi.

From Walker court-house, by Chilton's mills, R. J. Murphee's and R. Cameron's, to Blount's springs.

From Russelville, by Heshbon, to Itawamba court-house.

From Winchester, by Crow creek, Coon creek and Bolivar, to Loving's in Wills valley.

From Hickory level, by Adrian's ferry, on the Coosa river, Abacooche Gold mines, and Canal Gold mines, to Franklin, Georgia.

From Fayette, Georgia, by Hopkinsville, through the Chatooga valley, by Chatooga old court-house and Jeffersonville, to Jacksonville.

From Somerville, by head of Cotoco creek and Brooksville, to Bennettsville.

From Clayton, by Fagan's store and Crockettville, to Salem, Russell county.

From Rockford, by Socapatoy, to the Georgia store, in Tallapoosa county.

From Columbus, Georgia, by Fort Mitchel, the Natural bridge, Sand fort, Uchee post office and Fort Brainbridge, to Feagan's store.

From Irwinton to Stockton.

From Wetumpka, by Nixburg, Socapatoy, and Hatchet creek to Talladega.

From Columbus, Georgia, by Glenville, to Irvington, in Alabama.

From Springfield, by Benevola, Bonners' Mills, Carrollton and Yorkville to Columbus in Mississippi.

From Bellefonte by Langston and De Kalb court-house to Paris, in De Kalb county.

Discontinue as follows :

Discontinued.

From Bellefonte, by Larkinsville, Trenton, Loweville, Hazle green and Madison cross-roads, to Athens.

From Winchester, Tennessee, to Bellefonte.

From Bellefonte to Rawlingsville.

MISSISSIPPI.

*In Mississippi—
established.*

From Holly springs, Marshall county, via Ripley, Tappah county, and Jacinto, Tishmingo county, to Tuscumbia, Alabama.

From Holly springs to Hernando, De Soto county.

From Pontitoc, via Oxford, to Panola.

From Coffeeville, via Oakland, to Charleston, Tallahatchie county.

From Brandon, via Raleigh and Garlandsville, to Quitman.

From Carrollton, to Douglass, on the Yazoo river.

From Granada, by Preston, Oakland and Ragburn's to Panola.

From Wyatte, in the county of Lafayette; by Chulahoma, Hancock's, Labeau's, and Hernando, to Memphis, Tennessee.

From Ripley, in Tippah county, via Cornersville, to Oxford, Lafayette county.

From Jackson, Mississippi, to Memphis, Tennessee, via Canton, Bole's ferry, on the Big Black river, Franklin, Lexington, Carrollton, Grenada, Belmont and Jefferson.

From Carrollton, via Grenada to Coffeeville, Oxford, Wyatt, Chulahoma and Holly springs, to Lagrange, in Tennessee.

From Jackson, via Madisonville, Doak's old stand, Kuscusko, Greensboro, Houston, Pontotoc, and Ripley to Bolivar in Tennessee.

From Fulton, in Itawamba county via Pontotoc, Ponola, or Belmont, to Tunica court-house.

From Ellisville, via Paulding, to Quitman.

From Quitman to Washington court-house, Alabama.

From Columbus, by Winstonville, Somerville, Philadelphia, and Dixon, to Hillsboro.

From Madisonville, by Densonville, Ludlow and Hillsboro, to Carthage.

From Houston, by Grenada and Middleton to Louisville.

From Pontotoc, by Red Land (Williams,) to Houston.

From Chulahoma, by Oak Hill, and Castlehill, to Memphis, Tennessee.

From Ponola court-house, by Peyton, to Helena, Arkansas.

From Helena, Arkansas, by Powhattan, Coahoma county, to White river, Arkansas.

From Stackville, by Lafayette and Bell Fontaine, to Greensboro.

From Hardin court-house, Tennessee, by Nashobee, Jacinto and Carrollsville, to Pontotoc.

From Aberdeen, by Fulton, to Jacinto.

From Fulton to Russellville, Alabama.

From Tuscaloosa, Alabama, by Jamestown, Brooklyn, Mount Pleasant, Mo-za-bu-sha to Hillsborough.

From Greensboro, by Graysport to Grenada.

From Panola court-house by Sardina, Oakland, Preston and Troy to Grenada.

From Kennedy's store, in Clopiah county, Mississippi, by Haley's ferry, Concord, Steen's creek, Brandon and Densonville to Carthage, in Leoki county.

From Mobile the nearest and most direct route to Winchester in Mississippi.

From Columbus by Waverly or Mullin's bluff in Lowndes county, to Colbert.

From Hernando, by way of Castleville, Oak Hill and Chulahoma, to the town of Wyatt.

From Manchester by Benton, Montgomery, Franklin, Lockhart's store, Wheeling and Shongola, to Greensboro in Mississippi.

From Pontotoc via Houston to Greensboro in the State of Mississippi.

From Montgomery, via Selma, Marion, Greensboro, Erie, Jones's Bluff, and Livingston, Alabama, Marion, Decatur, Hillsboro, and Brandon, to Jackson, in Mississippi.

From Panola court-house to Grenada, via Gen John Raybourn's, Caledonia, Yokanapatalpho, Oakland and Preston.

MISSOURI.

From Bailey's landing, on the Mississippi, in Lincoln county, ^{In Missouri—established.}

by Troy, Thomas Glover's Dutton's and Anderson's to Danville.

From Columbia to Mexico.

From Carrollton to Far West.

From St. Francisville to Farmington, Iowa Territory.

From Richmond to Camden, thence to Liberty, Clay county, via Smith's Mills, Camden point, and Blacksnake hills, to the mouth of Nodaway river.

From Martin's Clay county, at the falls of the Platte, to the Blacksnake hills.

From Plattsburg to the Blacksnake hills.

From Lexington, by Greenton, Cool spring, and Lone Jack, to Harrisonville.

From Georgetown, by Rives court-house, Oceola, Henry Clement's and Sarcoxie, Barry county, to Mount Pleasant, Barry court-house.

From Warrenburg, Johnson county, by Rives court-house, to Bolivar.

From Meramee ironworks to Jefferson city.

From Columbia, by Mount Vernon, Pisgah, Palestine, Mount Carmel, and Arraton, to Georgetown.

From Jonesborough, by Salt-pond grove, and Johnson's Grove, to Lexington.

From Jonesborough to Georgetown.

From Mount Pleasant, by Cowskin, Beatty's prairie, and Vineyard, Arkansas, to Fort Smith.

From Rocheport, by Connor's mills, Cooper county, and Pisgah, to Round-hill post office.

From Bloomfield, Stoddard county, by the lower end of West prairie, to the house of Martin Wood.

From Van Buren, by Charles Huddleston's to Izard court-house, Arkansas.

From Jefferson city, by California, to the Round-hill post office.

From Carrollton, by Utica and Naves's store, to Thompson's settlement, in the territory attached to Livingston county.

From Richmond to Utica.

From Glasgow, Howard county, to Four-mile prairie.

From Woodville, Macon county, to Newark, Lewis county.

From Huntsville, by Johnson Wrights to Macon court-house.

From Sand Hill, Lewis county, to St. Francisville.

From Mexico, Audrain county, by Bowling Green, to Clarksville.

From Keytersville to Macon court-house.

From Keytersville to Linn court-house.

From Jefferson city, by Miller court-house, to Versailles.

From Jonesborough to Johnson court-house.

From Arrow Rock, to old Jefferson, Saline county.

From the city of St. Louis, to Portage Desseaux, by the way of the mouth of the Missouri river and Bellefontaine.

From Clarksville, in Missouri, to Phillip's ferry, on the Illinois river, in the State of Illinois.

From Palmyra to Shelbyville.
 From Springfield, Missouri, to Fayetteville, Arkansas.
 From St. Louis, by Springfield, to Cane-hill, in Arkansas.
 From Palmyra to Shelbyville.

ARKANSAS.

From Dwight, Pope county, to Crooked creek, Carroll county. In Arkansas—established.
 From Dardanelles, Pope county, to Fort Smith, on the south side of Arkansas river.
 From Little Rock, by Clinton and Marion court-house, to Springfield, Missouri.
 From the mouth of Cache, by Pine Bluffs, to Ecure a Fabre.
 From Little Rock, by Erwin's settlement, White county court-house, Litchfield, and Powhattan, to Jackson.
 From Ozark, Franklin county, by Huntsville, Madison county, to Osage, Benton county.
 From the Mouth of Cache, by Searcy, White county, to Clinton.
 From Helena, by Tunica court-house, Mississippi, Panola court-house, and Oxford, Lafayette county, to Pontitoc.
 From Athens, Izard county, to Springfield, Missouri.
 From Pocahontas, through the northern part of Green county, to Stoddart court-house, Missouri.
 From Jackson, by Long's on Strawberry river, to Athens, Izard county.
 From Fayetteville, by Ozark, to Scott court-house.
 From Fort Smith to Scott court-house.
 From Clarksville to Carrollton, in Carroll county.
 From Lake Port G. Bayou Moses Hill, to Bayou Bartholomew.
 From Ecure à Fabre to the Union Court-house.
 From Scott court-house, Hot Springs and Coddoo Cave to Paracelista.
 From Conway Long Prairie to Natchitoches in Louisiana.

MICHIGAN.

From Battle creek to Hastings. In Michigan—established.
 From Whitmansville, by Charleston, to Lafayette.
 From Belvidere to Mount Clemens.
 From Detroit through Greenfield, to Southfield.
 From Marshall, by Verona, to Hastings.
 From Paxton by Howell, to Owasco.
 From Granville to Port Sheldon, in Ottawa county.
 From Jackson, by Ingham and Howell, to Flint.
 From Pontitoc, by Howell to Jackson.
 From Flint, Genesee county, by Bearsleyville to Lapier.
 From Cassopolis, by Whitmansville, to Keelersville.
 From Monroe, by Stony creek; Exeter, Huron, and Rosou's mill, to Ypsilanti.
 From Flat-rock, in Brownstown township, to Gibraltar.

From Lapier, by Langdon and Mount Pleasant, to Grand Blanc.

From Ingham to Jefferson.

From Saranac to Ionia.

From Springville, by Brooklyn, Jefferson, Spring Arbor, Concord, Albion, and Berne, to Marshall.

From Concord, Jackson county, to John Wilbur's, in the town of Pulaski.

From Battle creek, Calhoun county, to Cold water, via Goodwinsville.

From Battle creek to Galesburg, via Augusta.

From Bellevue, by Vermonticello to Ionia.

From Jackson to Gamblesville.

From Galaston, by Otsego, to Allagan.

From Jonesville, in Michigan to Evansport, in Ohio.

From Ingham to the mouth of North black River.

From the county seat of Van Buren county to the mouth of South Black river.

From Monroe to Adrian.

From Adrian to Springville.

From Marshall to Ingham.

WISCONSIN.

In Wisconsin
established.

From Janesville, by New Albany, mouth of Picatonica, and Rockford, to Dixon's ferry, Illinois.

From Rockford, by Brewster's ferry, to Wiota.

From Chicago, by McHenry, Fontana, (at the head of Lake Geneva,) Turtle creek, Janesville, Hume, and Madison, to Wisconsin city, on the Wisconsin river.

From Southport, by Pleasant prairie and Geneva, to the county seat of Walworth county.

From Milwaukie by New Berlin, Springfield, to Troy, to Janesville.

From Green Bay, by Depere, La Fontaine, Calumet village, Fond du Lac, and Fox lake, to Madison, and from Fox lake to Fort Winnebago.

From Fond du Lac, by the mouth of Fox river, to Little Butte des Morts.

From Fond du Lac to Sheboygan.

From Green Bay, by Neeshoto, to Twin river.

From Milwaukie, by Lisbon Belletere, and Watertown, to Kentucky city.

From Janesville, by Jefferson, to Watertown.

From Whiteoak springs, by New Diggings, and Milseat bend to

From Duck creek to Green Bay.

From Helena, via English prairie, to Prairie du Chien

From Galena, Illinois, by Sinsinawa mound to Du Buque.

Discontinued.

Discontinue as follows :

From Milwaukie to the outlet of Lake Koshkenong.

From the outlet of Lake Koshkenong to the city of the Four Lakes,

From Little Butte des Morts to Fort Winnebago.

From Fond du Lac to the city of the Four Lakes.

From Fond du Lac to Fort Winnebago.

IOWA.

From Dubuque to the county seat of Delaware county.

From Dubuque, by the county seat of Jones county, and Rochester, on the Red Cedar, to West Liberty.

In Iowa—established,

From Dubuque, by Richfield, Point Pleasant, and Davenport to Stephenson, Illinois.

From Davenport, by Centreville and Moscow, to Rochester on the Red Cedar River.

From Fort Madison, by West Point and Tuscarora, to Bentonport.

From New Boston, Illinois, by Blackhawk and Wappello, to Mount Pleasant.

From Fort Madison, Iowa, to Carthage, Illinois.

From Bloomington, by Cedarville, and West Liberty, to Napoleon.

From Wappello, by Catesse and Sissinamo, to Napoleon.

From Wapesequinicon to Bellevue; the present route to be changed so as to run by Camanche, New York, Lyons, and Charleston.

From Burlington, via Ellison's creek, Illinois, St. Augustine and Middle grove, to Peoria.

§. 2. *And be it further enacted*, That each and every railroad within the limits of the United States which now is, or hereafter may be made and completed shall be a post route, and the Postmaster General shall cause the mail to be transported thereon provided he can have it done upon reasonable terms, and not paying therefor in any instance more than twenty-five per centum over and above what similar transportation would cost in post coaches.

All rail-roads shall be post routes, and the Postmaster Gen. shall cause the mail to be transported thereon, &c.

§ 3. *And be it further enacted*, That the above post routes shall go in operation, on the first of July, eighteen hundred and thirty nine, or sooner should the funds of the Department justify the same; *Provided*, That as soon as a responsible contractor shall offer to transport the mails over any portion of the above routes for the revenue derived from the new offices to be established thereon until the first of July eighteen hundred and thirty nine, the Postmaster General shall forthwith; put them into operation, *Approved, July 7th, 1838.*

The above routes shall go in to operation on 1st July, 1839, or sooner.

Proviso.

CHAP. 184. An act to remit the duties upon certain goods destroyed by fire at the late conflagration in the city of New-York.

§ 1. *Be it enacted, &c.*, That the collector of the customs for the port of New-York, the naval officer of the said port, and the dis-

The Collector, Naval Officer and District At-

torney of New York to constitute a Commission to ascertain the amount of goods destroyed by the great conflagration in New York, and the names of the owners entitled to receive the duties to be remitted.

strict attorney for the southern district of the State of New-York, be, and they are hereby, constituted a commission to ascertain the amount of duties paid, or secured to be paid, upon all goods, wares, and merchandize, destroyed in unbroken and original packages as imported, by the great conflagration which took place in the city of New-York on the sixteenth and seventeenth days of December, in the year one thousand eight hundred and thirty-five, and the name or names and places of residence of the several persons entitled, as owners of the said goods, or otherwise, to receive or have remitted to them the amount of the duties so paid or secured to be paid, upon the several parcels and packages of goods so destroyed, pursuant to the provisions of this act.

Time and place of meeting of said Commissioners.

Notice of to be given.

Duty of the Commissioners.

Claims must be presented within four months.

Commissioners empowered to administer oaths.

Testimony to be committed to writing.

Penalty for false swearing.

Commissioners to make a full and perfect statement of their investigation.

§ 2. *And be it further enacted*, That the said commissioners shall meet at such time and place in the city of New-York, as shall be appointed by the Secretary of the Treasury, by a notice for that purpose, to be published in at least five of the public newspapers printed in the said city, for the period of at least ten days before the time appointed for the said meeting; and, when so convened, shall proceed to take testimony in relation to the goods so destroyed, and the amount of duties paid, or secured to be paid, to the United States thereupon, and to the persons entitled to receive or have remitted to them the amount of such duties; and shall continue the examination and investigation as constantly as their other official duties will permit, until all the claims presented to them for the remission or refunding of duties provided for by this act, which may be presented to them, shall be examined to their satisfaction; but no claim shall be received which shall not be presented within four months from and after the time appointed by the Secretary for the first meeting of the commissioners; and each of the said commissioners shall be, and is hereby, authorized to administer the necessary oaths to all persons who are to give testimony in the premises; and all the testimony presented to or taken before the said commission, shall be committed to writing, and signed by the respective witnesses giving the same; and any wilful false swearing before the said commission, or any affidavit or deposition taken before any one of the said commissioners, shall subject the person guilty of the offence, upon conviction before any court of competent jurisdiction, to the punishment prescribed by the laws of the United States for wilful perjury.

§ 3. *And be it further enacted*, That, as soon as the said commissioners shall have finally closed the taking of testimony in relation to any one or more claims, they shall cause to be made a full and perfect statement of the goods, wares, and merchandises proved in said claim or claims, to their satisfaction, to have been destroyed at the conflagration aforesaid, in the unbroken and original packages in which the same were imported, designating in such statement the number of packages, the rate and amount of duty upon each, and the name of the person or persons entitled to receive or have remitted to him or them the

duties paid, or secured to be paid, upon each package, and the fact whether such duty has been paid or remains unpaid and secured in the ordinary manner, and shall ascertain and report whether any and what part of the merchandise so destroyed was insured, or sold, what proportion of the insurance has been paid, or is secured to be paid in consequence of its destruction by the conflagration aforesaid, and shall deduct from the certificate to be granted under the provisions of this act, the amount paid on such insurance and the amount of duties paid on the goods sold. And the said commissioners shall cause three fair copies of such statement to be made and certified by themselves to be the true and correct results of their investigations, one of which copies they shall file with the collector of the customs for the port of New-York, another with the naval officer of the said port, and the third together with the testimony taken before the said commission they shall transmit to the Secretary of the Treasury, to be by him kept on file in his department.

Three copies of said statement to be made and certified by the commissioners.

§ 4. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, with as little delay as practicable, to examine the testimony taken before the said commission, from time to time, as the same shall be returned to him, to compare the same with the said statement and adjudications of the said commissioners, and to signify to them his approval or disapproval of their determination as to each claim; and as soon as the determination of the Secretary shall be officially communicated to the said commissioners, as to any one or more of the said claims, they shall forthwith execute and deliver to each claimant, whose claim has received the approval of the Secretary, a certificate, signed by them, and stating the amount of duties which the claimant has paid, and is entitled to have refunded to him, and the amount he has secured to be paid, and is entitled to have remitted upon his bonds: *Provided*, That no such certificate shall be delivered to any claimant, his agent or attorney, or to his order, until he, or some person on his behalf, shall have executed and delivered to the collector of the customs for the port of New-York, a bond, with sureties to the satisfaction of the collector, in a penalty of double the sums to be refunded or remitted, as shown by the said certificate, and conditioned for the repayment, to the United States, of the whole amount refunded or remitted to such claimant, with interest from the date of the said bond, in case it shall thereafter be made to appear that the goods upon which the duties so remitted refunded were chargeable, were not in fact destroyed at the conflagration aforesaid: *Provided*, That in all cases when the applicant for relief under this act shall have had bonds other than those given for duties on goods destroyed by said fire suspended under the act entitled "An act for the relief of the sufferers by fire in the city of New-York," approved, nineteenth March, eighteen hundred and thirty-six, the amount of twenty-four per cent. on the amount of duties secured by such bonds

Sec. Treas. to examine the testimony from time to time and signify his approval or disapproval or the determination of the commissioners as to each claim.

Commissioners to deliver the approval with a certificate to each claimant.

Provide.

Provide.

shall be deducted from the sum which would otherwise be remitted to such applicants under this act.

Certificates upon presentation, to be received in payment of duties.

§ 5. *And be it further enacted*, That upon the presentation by any person to the collector of New York, of any certificate so issued by the said commissioners, showing that a remission is to be made upon any unpaid bond given to secure duties, and then in the hands of the said collector, it shall be his duty to make the requisite endorsement upon the said bond or bonds and likewise so far to cancel the said certificate by a proper endorsement thereon as his endorsement upon the bond or bonds shall require and so far as any such certificate shall show that duties paid are to be refunded, the said collector of the port of New York shall receive such certificate in lieu of money for the payment of duties, at all times endorsing upon the certificate the amount of duties thus cancelled by its presentation; and as fast as the said certificates shall be thus fully cancelled the said collector shall retain and transmit to the Secretary of the Treasury to be by him placed upon the files of the department with the statement upon which they were issued, and the testimony upon which the duties are refunded or remitted.

Certificates after being cancelled shall be transmitted to the Sec. Treas.

Remission on duties on packages only partially destroyed to be in proportion to the destruction.

§ 6. *And be it further enacted*, That in all cases where any article or package, as imported, shall have been partially and not entirely destroyed by the said conflagration, the remission or refunding of duties upon such article or package shall be in proportion to the destruction by the said fire, as that proportion shall be ascertained and certified to the said commissioners by the appraisers for the port of New York; but this section shall not be so construed as to extend to any merchandise or property destroyed or damaged other than in the original and unbroken packages as imported.

A clerk may be employed by the Commissioners, at a salary of not exceeding \$2000 per annum.

§ 7. *And be it further enacted*, That the said commissioners may employ a clerk who shall be paid for his services out of any unappropriated money in the Treasury such reasonable compensation as the Secretary of the Treasury shall allow, which payment the said Secretary is hereby authorized and directed to make, not to exceed the rate of two thousand dollars per annum. *Approved, July 7th, 1838.*

CHAP. 185. An act to establish a new collection district in the State of Mississippi.

Collection district to be established in northern part of Mississippi, to be called the Vicksburg district.

Vicksburg to be the port of entry.

§ 1. *Be it enacted, &c.*, That all that part of the State of Mississippi north of the point where the range line strikes the Mississippi river, between townships thirteen and fourteen, of the Washington land district, is hereby created a collection district, to be called the Vicksburg district, whereof Vicksburg shall be the port of entry, subject to all the regulations and duties prescribed in regard to the district of Mississippi, by an act passed the thirtieth of June, eighteen hundred and thirty-four, entitled "An act to establish a port of entry at Natchez, in Mississippi, and creating certain other ports of delivery, and for oth-

purposes," and that Grand Gulf shall be a port of delivery ^{Grand Gulf to be a port of delivery.} within said district of which Natchez is the port of entry. *Approved, July 7th, 1838.*

CHAP. 186. An act to establish additional land offices in the States of Louisiana and Arkansas.

§ 1. *Be it enacted, &c.,* That for the disposal of that portion of the lands belonging to the United States in the State of Louisiana, within the following boundaries, to wit: beginning at the point on the Sabine river, where the base line of thirty-first degree of north latitude strikes the same; thence up said river to the point where the boundary line between the United States of Mexico and the aforesaid State of Louisiana shall leave the same, thence with said boundary, when the same shall be finally fixed, to the northern boundary of the State; thence east with said northern boundary to the dividing line between the ranges three and four west; thence with said dividing line south to the base line or thirty-first degree of north latitude, thence with said line to the beginning: a land office shall be established and kept in the town of Natchitoches, to be known as the office for the Northwestern land district in the State of Louisiana. ^{For the disposal of certain U. S. Lands in Louisiana, a land office shall be established and kept in Natchitoches, to be known as the office for the Northwestern land district in Louisiana.}

§ 2. *And be it further enacted,* That a register and receiver of public moneys shall be appointed for said land district in the manner required by law, who shall reside in the town of Natchitoches, they shall give bond and security in the same manner and in the same sums, as other registers and receivers in said State; and their salaries, emoluments, duties and authority shall in every respect be the same, in relation to the lands in the aforesaid district as are now given or granted to the registers and receivers in the other land offices in said State. ^{Register and Receiver to be appointed to reside in Natchitoches; their bonds, salaries and duties.}

§ 3. *And be it further enacted,* That during the continuance of the act entitled "An act to grant pre-emption rights to settlers on the public lands," approved June twenty-second, in the year eighteen hundred and thirty-eight, the register and receiver of the aforesaid land district shall attend at least once in two months if necessary at Shreveport in said district for the purpose of receiving proof of and acting on such claims for pre-emption rights, as may be presented to them under said act, and remain at said place as long as may be necessary not exceeding two weeks at a time, and said register and receiver shall give public notice for at least two weeks of the time they will attend at said place. ^{During the continuance of act 22d June, 1838, the register and receiver shall attend at Shreveport to act upon pre-emption claims.}

§ 4. *And be it further enacted,* That the Commissioner of the General Land Office is hereby invested with authority to direct in what manner and on what conditions the said land office shall be supplied with plats and copies of plats and surveys from the offices now established at Monroe and Opelousas, and the office of the Surveyor General of Louisiana. ^{Commissioner of General Land office to direct how the office shall be supplied with plats, &c.}

§ 5. *And be it further enacted,* That all that portion of the present Fayetteville district which lies south of the line between ^{What portion of Fayetteville district shall be}

called the Western district.

Where land office shall be established.

Register and receiver to be appointed

Their compensation.

The necessary maps, plats, &c. of the public lands to be filed in said office.

Entries to be made as heretofore until June 1, 1838.

townships eleven and twelve north, of the principal base line shall form a separate land district and be called the Western land district, and the land office for said district shall be established at the county seat of Johnson county or such other place as the President of the United States shall designate.

§ 6. *And be it further enacted*, That there shall be appointed by the President, by and with the advice and consent of the Senate, under the existing laws, a register and receiver, in and for said district, whose compensation shall be the same as provided for other registers and receivers; and it shall be the duty of the Secretary of the Treasury, as soon as it can be done, to cause the necessary tract books, plats, maps and surveys of the public lands, in said district, to be filed in said office; and all applications for entries in said district shall be made as heretofore prescribed by law at the land offices now established, until the first day of June next. *Approved, July 7th, 1838.*

Act of 1837, c. 372, vol. 4, p. 2620.

Act of 18th January, 1837, continued for two years.

Act of 1831, c. 30, post p.

CHAP. 187. An act to continue in force the act for the payment of horses and other property lost in the military service of the United States.

§ 1. *Be it enacted, &c.*, That the act approved January one thousand eight hundred and thirty-seven, entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," be, and the same is hereby, continued in force for two years from the end of the present session of Congress. *Approved, July 7th, 1838.*

CHAP. 188. An act exempting from duty the coal which may be on board of steamboats or vessels propelled by steam on their arrival at any port in the United States.

Captains of steamboats arriving in the U. S. with coal on board may proceed with the same to foreign ports without paying duty thereon. Acts inconsistent herewith repealed.

§ 1. *Be it enacted, &c.*, That from and after the passage of this act, it shall be lawful for the captain or master of any steamboat or vessel propelled by steam, arriving at any port in the United States, to retain all the coal such boat or vessel may have on board at the time of her arrival, and may proceed with said coal to a foreign port, without being required to land the same in the United States or to pay any duty thereon; and all acts inconsistent with the provisions of this act, shall, be, and the same are hereby repealed. *Approved, July 7th, 1838.*

CHAP. 190. An act making appropriations for building light-houses, light-boats, beacon-lights, buoys, and making surveys, for the year one thousand eight hundred and thirty-eight,

§ 1. *Be it enacted, &c.* That the following appropriations be, and the same are hereby, made and directed to be paid out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Treasury to cause to be erected and established the light-houses, beacon-lights, buoys, and to make the surveys herein provided for, to wit :

STATE OF MAINE.

For the erection of two buoys near the entrance of Portland harbor, viz: one on Taylor's ledge, and one on Broadcove rock, five hundred dollars. Taylor's ledge and Broadcove rock.

For re-building the light-house on Wood Island, five thousand dollars. Wood Island.

For placing monuments on Fort-point ledge, Adam's ledge, and Buck ledge, in Penobscot river, one thousand three hundred dollars, in addition to the former appropriation for that purpose. Fort Point Ledge, Adam's ledge, and Buck ledge.

For placing a monument on Bulwark ledge, about seven miles east-southeast of Portland light-house, three thousand dollars. Bulwark ledge.

For placing one buoy on Drummer's ledge, south of Mark island, and one buoy on Mark island ledge, five hundred dollars. Drummer's ledge and Mark island ledge.

For erecting a light-house on Bear island, at the entrance of Mount Desert harbor, three thousand dollars. Bear island.

For erecting a monument on Bunker's ledge, outside of said island, one thousand dollars. Bunker's ledge.

For placing one buoy at the southwest entrance of said Mount Desert harbor, and two buoys on the reef in the middle of Bass harbor, one hundred and fifty dollars. Mount Desert harbor, and Bass harbor.

For placing a buoy on Bantam ledge, outside of Ram island, two hundred dollars. Bantam ledge.

For erecting a stone beacon and a buoy on Half-tide ledge in the county of Hancock, twelve hundred dollars. Half-tide ledge.

For placing a spar-buoy on a ledge in the vicinity of Crab-tree's point, about four miles below Sullivan harbor, in said county, one hundred and fifty dollars. Crab-tree's point

For the erection of a monument or beacon on York ledge, off the entrance of York harbor, ten thousand dollars. York ledge.

For erecting a light-house and sea-wall at Saddleback ledge, in Penobscot bay, ten thousand dollars in addition to the former appropriations. Saddleback ledge.

STATE OF NEW HAMPSHIRE.

For the erection of a pier on the east side of Whaleback light-house, to protect the same, seventeen thousand dollars, in addition to the appropriation already made for that purpose. Whaleback lighthouse.

STATE OF MASSACHUSETTS.

For the erection of two small beacon-lights, on the north side of Nantucket Island, in addition to former appropriation for that purpose, two thousand one hundred dollars. Nantucket Island.

For completing the light-house on Mayo beach, in Wellfleet bay, two thousand dollars. Mayo beach.

For a monument, in the place of one carried away, on Bowditch's ledge, in the harbor of Salem, five thousand dollars. Bowditch's ledge.

For a monument on Bowbill ledge, in the harbor of Manchester. Bowbill ledge.

ter, or for removing the same, at the discretion of the Secretary of the Treasury, five thousand dollars.

Plumb island.

For rebuilding the two light-houses on Plumb island, near Newburyport, four thousand dollars.

STATE OF RHODE ISLAND.

Providence river.

For buoys or dolphins in Providence river, six hundred dollars.

Paucatuck river.

For placing two spindles at the mouth of Paucatuck river, the sum of four hundred dollars.

STATE OF CONNECTICUT.

Mystic river.

For placing six buoys in the western, and six in the eastern entrance of Mystic river, from Fisher's island sound, in the State of Connecticut, according to the survey and estimate of F. H. Gregory, reported to the Board of Navy Commissioners, on the seventh day of August last, four hundred and thirty-five dollars; and four buoys on the rock in the channel east of Ram island, and upon Turner's reef, according to said survey and report, one hundred dollars.

Ram island and Turner's reef.

Lynde point.

For the erection of a light-house on Lynde point, at the mouth of Connecticut river, in addition to the sum of five thousand dollars already appropriated, two thousand five hundred dollars.

Fairweather island.

To complete a sea-wall, to preserve the light-house and other buildings on Fairweather island, near Blackrock harbor, pursuant to the report of Captain Gregory, one thousand five hundred dollars.

Milford harbor.

For the erection of buoys on such of the rocks in the harbor of Milford as may be designated by the Superintendent of Light-Houses for that district, three hundred dollars, for one buoy on

Shoal ledge.

a ledge called the shoal, west of Black point, and one buoy on

Pond reef.

Pond reef in the bay of Niantick, one hundred and sixty dollars,

Cornfield point rock, Adams rock, and Oyster Pond point rock.

for buoys on Cornfield point rock, Adams rock, and Oyster Pond point rock, near Plum island, in Long island sound, two hundred and forty dollars.

STATE OF NEW-YORK.

Romer's shoals.

For completing a beacon on Romer's shoals, in addition to the appropriation heretofore made, ten thousand dollars; to be expended under the direction of a competent engineer, to be selected by the Secretary of the Treasury,

Esopus meadows.

To complete a light-house on Esopus meadows, on the western shore of the Hudson river, three thousand dollars, in addition to the sum heretofore appropriated.

Cedar island.

To complete a light-house on Cedar island, Sag Harbor, two thousand five hundred dollars in addition to the sum heretofore appropriated.

Fisher's sound.

For the erection of a light-house on the northern islet in Fisher's sound, near the northwest end of Fisher's island, three thousand dollars.

For the payment of the balance remaining due for the expenses of procuring and locating buoys in the new channel in the port of New-York lately discovered and called Gedney's channel, eight hundred and seventy dollars and thirty-six cents.

Gedney's channel.

NEW JERSEY.

For erecting a small beacon light at South-Amboy, and putting down the following buoys, to wit: One on the tail of the Great Beds; one off Bilop's point shoal, southwest part of Staten island; one on the Middle Ground, near Prince's bay; one on the Old Orchard shoal; one off the point of the Great Kill shoals, one thousand and fifty dollars.

South Amboy.

Great Beds.

Bilop's Point

shoal.

Middle Ground.

Old Orchard

shoal.

Great Kill

shoals.

Corner Stake.

Shorter's island.

For the erection of a beacon-light at the Corner Stake so called, between Elizabethtown point, and Shorter's island; also another small light or lantern on Shorter's island; also for buoys, &c. at the following places: A spar buoy at Bergen point; a spar buoy at Mill rocks, in Newark bay; a spar buoy on the first oyster bed or point of the bar between the Hackensack and Passaic channels, one and a half mile below the crossing place; a spar buoy at the Corner Stake, so called; a spar buoy at the crossing place, on the north side; a spar buoy at the elbow; all pursuant to the report of Captains Kearney, Sloat, and Perry, thirty-four hundred dollars.

Bergen point.

Mill Rocks.

The first oyster

bed.

Corner Stake.

The crossing

place.

The elbow.

STATE OF DELAWARE.

For rebuilding a floating-light on Five Fathom Bank, at the entrance of the Delaware Bay, the sum of fifteen thousand dollars.

Five Fathom

Bank.

STATE OF MARYLAND.

For placing four buoys at or near Pool's Island channel, the sum of one thousand two hundred dollars.

Pool's Island.

STATE OF VIRGINIA.

For placing spar-buoys in James' river, between Day's point and Richmond city, on such ledges and shoals as may be selected, two thousand dollars.

James' river.

For building a light-boat to take place of the one in the narrows of the Potomac, eight thousand dollars.

Potomac.

For placing three or more buoys, at the entrance of Ochancock creek, in the county of Accomac three hundred dollars.

Ochancock creek.

STATE OF NORTH CAROLINA.

For marking, staking out, and placing buoys or other such monuments as are most suitable, to designate the channels in Crowatan sound, and at outlets of Pasquotank, Little and Perquimans rivers, one thousand dollars.

Crowatan sound.

Pasquotank.

Little and Per-

quimans rivers.

For the construction of a new light-boat, in lieu of that now stationed off Wade's point, eight thousand dollars.

Wade's point.

For a light-house on Pea island or Boddy's island as the Sec-

Pea Island or Boddy's island. retary of the Treasury shall deem to be most for the public interest, five thousand dollars.

Chickama-comico channel. For three buoys or such marks, designating Chickama-comico channel in Hide county as shall be found most suitable for that purpose, one hundred and fifty dollars. For placing buoys at Shallote river. the north of Shallote river five hundred dollars.

STATE OF OHIO.

Turtle Island. For securing or rebuilding on a better site, the light-house on Turtle island, at the entrance of Maumee bay, in Lake Erie, six thousand seven hundred dollars.

Sandusky bay. For completing a beacon-light near the entrance of Sandusky bay, three thousand dollars, in addition to the sum heretofore appropriated for that purpose.

STATE OF GEORGIA.

Bass island. For the construction of a light-house on the northwest end of Bass island, commonly called Putin-bay, in Lake Erie, instead of one on Cunningham's island, three thousand dollars.

Sister island. For placing buoys on a shoal or sunken island, near the western Sister island, and to the southward thereof, in Lake Erie, five hundred and fifty dollars.

Tybee channel. For constructing a floating-light, to be stationed in Tybee channel, ten thousand dollars, in lieu of an appropriation of that sum heretofore made for a similar light on Martin's Industry shoal.

St. Andrew's inlet. For placing three buoys at the entrance of St. Andrew's inlet, five hundred and forty dollars.

Brunswick harbor. For placing beacons or buoys at the entrance of Brunswick harbor, the sum of one thousand dollars.

STATE OF ALABAMA.

Dauphin island. For the construction of a light-house on Dauphin island eight thousand dollars.

STATE OF LOUISIANA.

Atchafalaya bay. For marking the entrance and the channel of Atchafalaya bay, one thousand five hundred dollars.

Mississippi river. For rebuilding the light-house at the southwest pass of the Mississippi river, twenty thousand dollars.

Vermillion bay. For completing a light-house at or near the southwest pass on the Vermillion bay, eight thousand dollars, in addition to the sum heretofore appropriated.

STATE OF MICHIGAN.

Bois Blanc island. For rebuilding a light-house on Bois Blanc island, if a suitable site for the same can be found on said island, five thousand dollars.

New Buffalo. For erecting a light-house at New Buffalo, on Lake Michigan, five thousand dollars.

South Manitou island. For erecting a light-house on South Manitou island, Lake Michigan, five thousand dollars.

For erecting a light-house on the ledge or reef near Wageo-

shance, in the Straits of Michilimackinac, twenty-five thousand dollars. Ledge near Wagonshance.

For erecting a light-house at Presque isle, Lake Huron, five thousand dollars. Presque isle.

For erecting a light-house on Point aux Barques, Sagana bay, Lake Huron, five thousand dollars. Point aux Barques.

TERRITORY OF WISCONSIN.

For the construction of a light-house on Grassy island, at the head of Green bay, near the mouth of Fox river, four thousand dollars. Grassy island.

TERRITORY OF FLORIDA.

For placing buoys at the mouth of St. John's, in addition to the appropriation heretofore made, for the purpose, eight hundred and fifty dollars. St. John's.

For erecting a light-house on Gary's Fort reef, forty thousand dollars in addition to the appropriation already made for that purpose. Gary's Fort reef.

And so much of the appropriation heretofore made and expended for a light-house on Amelia island, be, and hereby is, appropriated, for the removal of the light-house situated on the southern end of Great Cumberland island to the said site on Amelia island. Great Cumberland island.

§ 2. *And be it further enacted*, That the Secretary of the Treasury be, and hereby is, directed to cause two sets of dioptric or lenticular apparatus, one of the first, the other of the second class, and also one set, if he deems it expedient, of the reflector apparatus, all of the most improved kinds, to be imported, and to cause the said several sets to be set up, and their merits, as compared with the apparatus in use, to be tested by full and satisfactory experiments; and the sum of fifteen thousand dollars, out of any money in the Treasury not otherwise appropriated, is hereby appropriated for that purpose; and the Secretary of the Treasury is also further authorized to ascertain, by suitable and proper experiments, the merits of the apparatus lately invented by Mr. E. Blunt, of New-York; and if, in his judgment, it has merits which justify the adoption of it, he is hereby authorized to contract with Mr. Blunt, to light any light-house on the coast with it; and the sum of one thousand dollars is hereby appropriated for the above purposes. And the Secretary of the Treasury is hereby further authorized to ascertain the merits of the patent fog bell of Andrew Morse junior, and if he deems it expedient to establish one on the coast, the sum of twenty-five hundred dollars is hereby appropriated for that purpose, out of any money not otherwise appropriated. Sec. Treas. may cause two sets of dioptric or lenticular apparatus and one set of the reflector apparatus, to be imported, and their merits tested.

§ 3. *And be it further enacted*, That in order that Congress may be furnished with more exact information in regard to light-houses, the light-house system, the President is hereby authorized to divide the Lake and Atlantic coasts into such districts as he may deem expedient; and he shall appoint a naval Sec. Treas. to ascertain the merits of E. Blunt's apparatus, &c. Measures to be taken by the President in order that Congress may be furnished with more exact information in regard to light-houses, &c.

officer or officers, if the public service will allow of it, to survey and examine each district, with reference to all the objects aforesaid; and it shall be their further duty to inspect all the light-houses, light-boats, buoys, beacons, &c. and to report upon their present condition and usefulness; also to inquire and report whether the present public emergencies require any, and if any, what, further additional works and improvements of the above description, and of what kind; and, also, further, to report whether, in their judgment, the public interest requires any modification of the system of erecting, superintending, and managing the light-houses, light-boats, &c.; and if, so, in what particulars; and each board shall report separately on all these matters; which reports shall be laid before Congress.

Sec. Treas. to instruct officers to examine and determine whether it be expedient to construct the following works.

§ 4. *And be it further enacted*, That the Secretary of the Treasury be, and hereby is, directed to instruct such officers to examine and determine whether it be expedient to construct light-houses, or beacon-lights, and other works hereinafter described, at the following places, viz:

IN THE STATE OF MAINE.

Western point.

A light-house on the Western point, so called, at the entrance of York harbor.

Heron's neck.

A light-house at Heron's neck, on Green's island, in the town of Vinalhaven.

Saddle-back ledge.

A sea-wall to protect a light-house heretofore authorized to be erected, on Saddle-back ledge, in Penobscot bay, and the expediency of erecting said light-house provided such wall be necessary to its security.

Little river harbor.

A light-house on the island at the entrance of Little river harbor, in the town of Cutler.

Sail rock.

A light-house on "Sail rock" of West Quoddy head, and the removal to said site of the fog-bell now located on West Quoddy head.

Fidler's ledge.

A monument on Fidler's ledge, near the mouth of Penobscot bay.

Southern island.

A light on the Southern island at the mouth of Tennant's harbor, at St. George.

Jackknife ledge, White's ledge, Lee's island.

Buoys at the following places, to wit: On Jackknife ledge; on White's ledge; off Lee's island; all near the mouth of Kennebeck river.

IN THE STATE OF MASSACHUSETTS.

Plum island.

A bridge to connect Plum island with the mainland near Newburyport.

Point of Rocks.

A light-house or beacon on or near a point called the Point of Rocks, at the mouth of Westport harbor.

Vineyard Sound.

A light-boat between Succonesett point and a shoal called the Horseshoe, in the northern channel of Vineyard sound.

IN THE STATE OF CONNECTICUT.

Bartlett's reef.

For a light-boat of increased size on Bartlett's reef, and a light-boat in lieu of the one stationed at said island.

IN THE STATE OF NEW YORK.

A light-house on Teller's point, in the Hudson river.

Teller's point.

A light-house on the pier at the mouth of the Genesee river.

Genesee river.

A light-house on Bartlett's point, at the mouth of the bay formed by the entrance of French creek into the river St. Lawrence.

Bartlett's point.

A light-house on the west end of Fisher's island, at a place called Race point.

Race point.

A light-house on the Hudson river, at a point about one mile south of the village of Athens.

Hudson river.

A light-house on the north-west point of Gardner's island, Suffolk county.

Gardner's island.

A light-house or light-boat on Execution rock, Long Island Sound.

Execution rock.

IN THE STATE OF OHIO.

A beacon-light on a point near Delaware flats, so called, in the Maumee bay.

Delaware flats.

A beacon-light on the lower end of Big island, near the foot of the rapids of the Maumee river.

Big island.

IN THE STATE OF NORTH CAROLINA.

A light-boat with one or more lights, on the shoals below or in the vicinity, of Tar river.

Tar river.

A light-boat of increased size at Brant island, in lieu of the one now stationed at said Island.

Brant island.

A light-boat to be stationed off Bluff point in Albermarle sound.

Bluff point.

IN THE STATE OF SOUTH CAROLINA.

A light-boat on Port Royal bar; two buoys in Port Royal sound; a light-house on the south point of Otter island, in St. Helena sound; a beacon-light on Marsh island, at the head of mid sound; and such beacons and buoys as may be necessary in the North and South Edisto sounds. For erecting bouys on St. Helena bar, one thousand dollars.

Port Royal bar.
Port Royal sound.
Otter island.
Marsh island.
North and South Edisto sounds.
St. Helena bar.

IN THE STATE OF ALABAMA.

A light-house on Cedar point, and buoys between Cedar point and Lake Borng.

Cedar point.

IN THE STATE OF KENTUCKY.

A light-house at the port of Louisville.

Louisville.

IN THE STATE OF ILLINOIS.

A light-house at the mouth of Little Calumet river.

Little Calumet.

IN THE STATE OF MICHIGAN.

A beacon-light on a point near the town of Mackinac.

Mackinac.

- Markegon, A light-house at the mouth of the river Markegon, Lake Michigan,
 St. Mary's river. A light-house at the mouth of St Mary's river, on Lake Huron.
 Stony Point. A light-house at Stony Point, on Lake Erie.
 Clinton river. A light-house at the mouth of Clinton river, on Lake St. Clair.
 North Black river. A light-house at the mouth of North Black river, Lake Michigan.
 South Black river. A light-house at the mouth of South Black River, Lake Michigan.

IN THE TERRITORY OF WISCONSIN.

- Sauk River. A light-house at the mouth of Sauk river, in Lake Michigan.
 Southport. A light-house at Southport, on Lake Michigan.
 Kewaunee river. A light-house at the mouth of Kewaunee river, on Lake Michigan.

IN THE TERRITORY OF FLORIDA.

- Tortugas islands. Two light-houses on the two Tortugas islands, as substitutes for the present light-house on Bush key.
 Cape St. Blas. A light-house at Cape St. Blass, near the entrance to the Saint Joseph bay.
 Egmont key. A light-house on Egmont key, Tampa bay.

§ 5. *And be it further enacted*, That in all cases where appropriations are made in this act for the erection of new light-houses, or new light-boats to be established at places not before authorized by law, all such places shall first be carefully examined, and the most suitable site, selected; and the persons making the surveys for proposed works in the last preceding section of this act, shall report to the Secretary of the Treasury upon which of said sites, if any, the safety of navigation and the public interests require the work proposed for it, and also, a plan and estimate in detail of the expense of each work so required, including the necessary buildings to be connected therewith. And it shall be the duty of said Secretary to communicate the reports thus made to Congress within the first week of the session thereof in December next. And the expense of said surveys is hereby authorized to be paid by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated, the same having been first adjusted and allowed by the Secretary of the Treasury.

§ 6. *And be it further enacted*, That the Secretary of the Treasury be, and hereby is, authorized to discontinue at his discretion, the old light-houses at Oswego, Dunkirk and Cleveland, and cause the sites belonging to the United States of the old light-houses at Cleveland, on Lake Erie, and at Buffalo, in the State of New York, to be sold for such prices, respectively, as he shall deem the same to be worth, and the proceeds of such sales to be paid into the Treasury.

§ 7. *And be it further enacted*, That the sum of two thousand dollars be, and hereby is, appropriated, to enable the Secretary of the Treasury to employ two additional clerks in the Fifth Auditor's office. \$2000 appropriated for two additional clerks in the 5th Aud'r's office.

§ 8. *And be it further enacted*, That the sum of fifteen hundred dollars be and is hereby appropriated, to enable the Secretary of the Navy to cause such a special examination of the coast between the mouths of the Mississippi and Sabine rivers, and the intermediate harbors, bays and bayous as may be necessary to fix suitable locations for light-houses, and other improvements, which may give a more safe and ready access to the said harbors, bays, bayous, and rivers. *Approved, July 7th, 1838.* \$1500 appropriated to enable the Secretary of the Navy to cause the coast between the Mississippi and Sabine rivers to be examined, &c.

CHAP. 191. An act to establish a new judicial district in the territory of Florida.

§ 1. *Be it enacted, &c.* That all the territory included within the present boundaries of the counties of Franklin, Washington, and Jackson, in the territory of Florida, shall constitute a new judicial district, to be called the Appalachicola district, the judge of which shall reside at the town of Appalachicola, or at the town of St. Joseph's, in said district. Counties of Franklin, Washington and Jackson to constitute the Appalachicola judicial district. Residence of the judge.

§ 2. *And be it further enacted*, That a judge, marshal, and district attorney shall be appointed in said district, having the same jurisdiction, powers, duties, and liabilities, in all respects, as are now possessed by the judges of the superior courts, respectively, in the Territory of Florida, and the said marshal is hereby required to give the same bonds that other marshals are required to give under the laws of the United States and the Territory of Florida, to be approved of and recorded as now directed by law. Judge, marshal and district attorney to be appointed. Jurisdiction, and powers, of, &c.

§ 3. *And be it further enacted*, That the said courts shall be holden at the times and places now established by law in said district, until changed by the Legislative Council of said Territory; and all process, executed by and returnable to said courts as a part of the district of West Florida, as heretofore organized, shall be as effectual in law as if the said district had not been changed; and it shall be the duty of the present marshal of the district of West Florida to execute all process now in his hands, and he shall be responsible in like manner as if this act had not passed. Time of holding courts. Process already issued, &c.

§ 4. *And be it further enacted*, That the judge, marshal, and district attorney shall have the same salaries, fees, and compensation as are allowed and paid to the other judges, marshals, and district attorneys in said Territory under the laws of the United States, or the Territory of Florida, out of any money in the Treasury not otherwise appropriated. *Approved, July 7th, 1838.* Salaries, fees, and compensation of the judge, marshal, and district attorney.

CHAP. 192. An act to increase and regulate the terms of the circuit and district courts for the northern district of the State of New-York.

Four regular terms of the district court in each year.

Third Tuesday in January at Albany.

Second Tuesday in July at Utica.

Third Tuesday in May, at Rochester.

Second Tuesday in October at Buffalo.

One other term within the counties of St. Lawrence, Clinton or Franklin.

To be held only for the trial of issues of fact arising within said counties.

Special terms may be held.

The circuit court now held annually at Albany, to be held at Canandaigua on the Tuesday next after the third Monday of June in each year.

For trying all issues of fact the district shall be subdivided into three divisions.

The Western division.

Northern division.

Eastern division.

Where the issues of fact shall be tried.

Issues of fact in the circuit court, arising in the northern or eastern division to be tried at Albany.

All other issues of fact to be tried at Canandaigua.

Venue of transitory actions.

All issues now

§ 1. *Be it enacted, &c.* That there shall be four regular terms of the district court of the United States for the northern district of the State of New-York in each year; one of which, to commence on the third Tuesday in January, shall be held in the city of Albany; and one to commence on the second Tuesday in July, shall be held at the city of Utica; and one to commence on the third Tuesday of May, shall be held at the city of Rochester; and one to commence on the second Tuesday of October, shall be held at the city of Buffalo. And there shall also be held one other term annually, at such time and in such place within the counties of St. Lawrence, Clinton, or Franklin, as the judge of said district shall from time to time appoint, by a notice of at least forty days, to be published in the State paper of the State of New-York, which latter term shall be held only for the trial of issues of fact arising within the said three last mentioned counties; but nothing herein contained shall prevent the judge of said court from holding special terms thereof at the places above specified, or at any other places in said district, in addition to said regular terms, when he shall deem it necessary.

§ 2. *And be it further enacted,* That the term of the circuit court for the said northern district, now required by law to be held annually at Albany on the second Tuesday of June, be hereafter held at Canandaigua, in the county of Ontario, on the Tuesday next after the third Monday of June in each year.

§ 3. *And be it further enacted,* That, for the purpose of trying all issues of fact, tryable by a jury in the district court of the United States for the northern district of New-York, the said district shall be subdivided into three divisions, as follows, to wit: all that part of said district lying westward of the west lines of the counties of Cayuga, Tompkins, and Tioga, shall constitute the western division; the counties of St. Lawrence, Franklin, and Clinton, shall constitute the northern division; and all the remainder of the district shall constitute the eastern division. And all such issues of fact shall be tried at a term of said court to be held in the division where the cause of action may have arisen, unless the said court, for good cause shown, shall order such issue to be tried elsewhere. And all issues of fact in the said circuit court to be tried by a jury, where the cause of action may have arisen in the northern or eastern division aforesaid, shall be tried at the term of said circuit court to be held at Albany, and all other issues of fact in said circuit court to be tried by a jury, where the cause of action may have arisen in the western division of said district, shall be tried at the term of said circuit court to be held at Canandaigua. But nothing herein contained shall prevent either of said courts, by general rule, from regulating the venue of transitory actions, and from changing the same for a good cause to be shown.

§ 4. *And be it further enacted,* That all issues now pen-

ding in either of said courts shall be tried at the places above prescribed for holding such court, unless otherwise ordered by said court, in pursuance of the authority given in the last section; and no process issued or proceedings pending in either of said courts shall be avoided or impaired by this change of the time and place of holding such court; but all process, bail-bonds, and recognizances, returnable at the next term of either of said courts, shall be returnable and returned to the said court next held according to this act, in the same manner as if so made returnable on the face thereof, and shall have full effect accordingly; and all continuances may be made to conform to the provisions of this act. *Approved, July 7th, 1838.*

CHAP. 193. An act ceding to the State of Ohio the interest of the United States in a certain road within that State.

§ 1. *Be it enacted, &c.,* That all right or title of the United States, acquired by the treaty of Brownstown, in a certain road from the foot of the rapids of the Miami of the Lake to the western line of the Connecticut Western reserve be, and the same is hereby, granted to the State of Ohio. *Approved, July 7th, 1838.*

Title of the U. S. in a certain road granted to the state of Ohio.

CHAP. 194. An act to authorize the sale of certain bonds belonging to the United States.

§ 1. *Be it enacted, &c.,* That the Secretary of the Treasury be, and he is hereby, authorized to sell upon the best terms he can command for money in hand in the markets of this or of any foreign country, as upon inquiry he shall find most for the interest of the United States, the two bonds held by the United States against "the president, directors, and company of the Bank of the United States," chartered by the State of Pennsylvania, which will fall due in the month of September, in the year one thousand eight hundred thirty-nine, and one thousand eight hundred and forty, being the two last of four several bonds, dated on the tenth day of May, one thousand eight hundred and thirty-seven, given to secure the payment of the sum of one million nine hundred and eighty-six thousand, five hundred and eighty-nine dollars and four cents each, with interest upon each bond, at the rate of six per centum per annum, from the third day of March, one thousand eight hundred and thirty-six until paid, the said four bonds having been received by the United States as security for the final payment of the stock held by the United States, in the late Bank of the United States, chartered by Congress, and to execute under his hand and the seal of his office, to the purchaser or purchasers of the said bonds, suitable and proper assignments to transfer to the said purchaser or purchasers, his, her, or their representatives, or assigns, all the right, title and interest of the United States, of, in, and to the money due and to become due upon the bonds sold and assigned in pursuance of this act: *Provided,* That no sale of either of the said bonds shall be made upon terms less favorable to the United

Sec. Treas. authorized to sell the two bonds held by the U. S. against "the president, directors, and company of the Bank of the U. S." chartered by Pennsylvania, which will fall due in the month of September, 1839, and 1840.

To execute suitable and proper assignments.

Provided.

States than the par value of the bond sold, at the time of sale, calculated according to the rules for estimating the par value of securities upon which interest has run for a time, but which securities have not reached maturity.

All money received therefrom to be paid into the treasury, or placed to the credit of the Treasurer, &c.

§ 2. *And be it further enacted*, That all money received upon the sale of the said bonds, shall be immediately paid into the Treasury of the United States, or placed to the credit of the Treasurer thereof in some proper depository, in the same manner that other moneys, received for dues to the Government, are by law, directed to be paid into the Treasury. *Approved, July 7th, 1838.*

CHAP. 195. An act to prevent the issuing and circulation of the bills, notes and other securities of corporations created by acts of Congress which have expired.

In all cases where the charter of any corporation has expired or shall hereafter expire, any director, &c. who shall put in circulation any bill, note, or check, &c. purporting to have been made by any such corporation whose charter shall have expired, shall be deemed guilty of a high misdemeanor, and he be liable to fine and imprisonment.

§ 1. *Be it enacted, &c.*, That in all cases where the charter of any corporation which has been or may be created by act of Congress of the United States shall have expired or may hereafter expire, if any director, officer or agent of the said corporation or any trustee thereof, or any agent or officer of such trustee, or any person having in his possession or under his control the property of the said corporation for the purpose of paying or redeeming its notes and obligations shall knowingly issue, re-issue, or utter as money or in any other way knowingly put in circulation, any bill, note, check, draft, or other security purporting to have been made by any such corporation whose charter has expired or by any officer thereof, or purporting to have been made, under authority derived therefrom, or if any person or persons shall knowingly aid and assist in any such act; every person so offending, shall be deemed guilty of a high misdemeanor, and on conviction thereof shall be punished by a fine not exceeding ten thousand dollars, or by imprisonment and confinement not less than one year nor exceeding five years, or by both such fine and imprisonment: *Provided*, That nothing herein contained shall be construed to make it unlawful for any person not being such director, officer or agent of the said corporation, or any trustee thereof, or any agent or officer of such trustee, or any person having in his possession or under his control the property of the corporation for the purpose aforesaid who shall have received or may hereafter receive such bill, note, check, draft or other security, bona fide and in the ordinary transactions of business, to utter as money or otherwise circulate the same.

Provided.

All corporations created by acts of Congress or in which the U. S. was stockholder, whose charters have expired, and which have any bills, or notes, &c. in their possession, may, upon petition of the U. S. to any of the circuit courts of

§ 2. *And be it further enacted*, That in all cases in which any corporation has been or may be created by acts of Congress of the United States, and in which the United States shall have been interested as a stockholder the term of which corporation has expired, and in which any bills, notes, checks, drafts or other securities, made under authority derived, or alleged to have been derived from such act, shall be in the possession or under the control of any director, officer or agent of the said expired

corporation, or any trustee thereof, or any agent or officer, of such trustee or any person having in his possession or under his control, the property of the said corporations, for the purpose of paying or redeeming its notes and obligations, the several circuit courts of the United States shall have jurisdiction on the bill or petition of the United States to grant injunctions to prevent the issuing, re-issuing, or transfer of any such bills, notes, checks, drafts, or other securities; and also to cause such of the said bills, notes, checks, drafts, or other securities, as have been redeemed, to be delivered up and cancelled; and the said several courts shall have power to make all necessary decrees and orders for the purpose of carrying into effect the jurisdiction hereby conferred, and to execute the same by due process of law.

Approved, July 7th, 1838.

CHAP. 197. An act to repeal, in part, the act entitled "An act to provide for the safe keeping of the acts, records, and seal of the United States, and for other purposes."

Act of 1789, c. 14, vol. 1, p. 48.

§ 1. *Be it enacted, &c.,* That so much of the act entitled "An act to provide for the safe keeping of the acts, records, and seal of the United States, and for other purposes," approved fifteenth of September, one thousand seven hundred and eighty-nine, as directs the Secretary of State to cause to be recorded, in his office, the acts and resolutions of Congress, be, and the same is hereby, repealed. *Approved, July 7th, 1838.*

So much of act Sept. 15, 1789, as requires the Sec. of State to have the laws recorded repealed.

CHAP. 193. An act to encourage the introduction and promote the cultivation of tropical plants in the United States.

Whereas in obedience to the Treasury circular of the sixth of September, eighteen hundred and twenty-seven, Doctor Henry Perrine, late American Consul at Campeachy, has distinguished himself by his persevering exertions to introduce tropical plants into the United States: and whereas he has demonstrated the existence of a tropical climate in southern Florida, and has shown the consequent certainty of the intermediate domestication of tropical plants in tropical Florida, and the great probability of their gradual acclimation throughout all our southern and south-western States, especially of such profitable plants as propagate themselves on the poorest soils; and whereas, if the enterprize should be successful, it will render valuable our hitherto worthless soils, by covering them with a dense population of small cultivators and family manufacturers, and will thus promote the peace, prosperity, and permanency of the Union: Therefore,

Preamble.

§ 1. *Be it enacted, &c.* That a township of land is hereby granted to Doctor Henry Perrine and his associates, in the southern extremity of the peninsula of East Florida, to be located in one body of six miles square, upon any portion of the public lands below twenty-six degrees north latitude.

A township of land in East Florida granted to Dr. H. Perrine and his associates.

§ 2. *And be it further enacted,* That the said tract of land shall be located within two years from this date, by said Henry

To be located within two years and surveyed by

the surveyor of Florida. *Provide.* Perrine, and shall be surveyed under his direction, by the surveyor of Florida, *Provided*, That it shall not embrace any land having sufficient quantities of naval timber to be reserved to the United States, nor any sites for maritime ports or cities.

When a patent shall issue to H. Perrine and his associates. § 3. *And be it further enacted*, That whenever any section of land in said tract, shall be really occupied by a bona fide settler, actually engaged in the propagation or cultivation of valuable tropical plants, and upon proof thereof being made to the Commissioner of the General Land office, a patent shall issue to the said Henry Perrine and his associates.

How and when it shall be forfeited to the U. S. § 4. *And be it further enacted*, That every section of land in the tract aforesaid, which shall not be occupied by an actual settler, positively engaged in the propagation or cultivation of useful tropical plants within eight years from the location of said tract, or when the adjacent territory shall be surveyed and offered for sale, shall be forfeited to the United States. *Approved, July 7th, 1838.*

CHAP. 199. An act granting half pay and pensions to certain widows.

Act of 1832, c. 126, vol. 4, p. 3270. § 1. *Be it enacted, &c.*, That if any person who served in the war of the Revolution, in the manner specified in the act passed the seventh day of June, eighteen hundred and thirty-two, entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the Revolution," have died, leaving a widow, whose marriage took place after the expiration of the last period of his service, and before the first day of January, seventeen hundred and ninety-four, such widow shall be entitled to receive, for and during the term of five years from the fourth day of March, eighteen hundred and thirty-six, the annuity or pension which might have been allowed to her husband in virtue of said act, if living at the time it was passed: *Provided*, That in the event of the marriage of such widow, said annuity or pension shall be discontinued.

Provide.

No pledge, mortgage, &c., of the half pay or pension to be valid. § 2. *And be it further enacted*, That no pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest, in any annuity, half pay or pension, granted by this act, shall be valid, nor shall the half pay, annuity, or pension, granted by this act or any former act of Congress, be liable to attachment, levy or seizure, by any process in law, or equity, but shall enure wholly to the personal benefit of the pensioner or annuitant entitled to the same; and that before a warrant shall be delivered to any person acting for or in behalf of any one entitled to money under this act, such person shall take and subscribe an oath or affirmation, to be administered by the proper accounting officer, and put on file, that he has no interest in said money, by any pledge, mortgage, transfer, agreement, understanding or arrangement, and that he does not know or believe that the same has been so disposed of to any other person.

Not liable to be seized or attached by any process in law.

Oath to be taken by an attorney before the delivery of the warrant.

Regulations and forms to be adopted by the Sec. of War, under the § 3. *And be it further enacted*, That the Secretary of War shall adopt such regulations and forms of evidence, in relation to applications and payments under this act as the Presi-

dent of the United States may prescribe. *Approved, July 7th,* direction of the President.
1838.

CHAP. 201. An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam.

§ 1. *Be it enacted, &c.,* That it shall be the duty of all owners of steamboats, or vessels propelled in whole or in part by steam, on or before the first day of October, one thousand eight hundred and thirty-eight, Owners of steamboats to make a new enrolment and take out a new license. to make a new enrolment of the same, under the existing laws of the United States, and take out from the collector or surveyor of the port, as the case may be, where such vessel is enrolled, a new license, under such conditions as are now imposed by law, and as shall be imposed by this act.

§ 2. *And be it further enacted,* That it shall not be lawful for the owner, master, or captain of any steamboat or vessel propelled in whole or in part by steam, to transport any goods, wares and merchandize, or passengers, in or upon the bays, lakes, rivers or other navigable waters of the United States, from and after the said first day of October, one thousand eight hundred and thirty-eight; without having first obtained, from the proper officer, a license under the existing laws, and without having complied with the conditions imposed by this act; and for each and every violation of this section, the owner or owners of said vessel shall forfeit and pay to the United States the sum of five hundred dollars, one half for the use of the informer; and for which sum or sums the steamboat or vessel so engaged shall be liable, and may be seized and proceeded against summarily, by way of libel, in any district court of the United States having jurisdiction of the offence. Shall not transport goods, wares or merchandize, or passengers, without a new license.

§ 3. *And be it further enacted,* That it shall be the duty of the district judge of the United States, within whose district any ports of entry or delivery may be, on the navigable waters, bays, lakes and rivers of the United States, upon the application of the master or owner of any steamboat or vessel propelled in whole or in part by steam, to appoint, from time to time, one or more persons skilled and competent to make inspections of such boats and vessels, and of the boilers and machinery employed in the same, who shall not be interested in the manufacture of steam engines, steam boat boilers, or other machinery belonging to steam vessels, whose duty it shall be to make such inspection when called upon for that purpose, and to give to the owner or master of such boat or vessel duplicate certificates of such inspection; such persons, before entering upon the duties enjoined by this act, shall make and subscribe an oath or affirmation before said district judge, or other officer duly authorized to administer oaths, well, faithfully, and impartially, to execute and perform the services herein required of them. For every violation of this section the owner or owners shall forfeit \$500. How recoverable.

§ 4. *And be it further enacted,* That the person or persons who shall be called upon to inspect the hull of any steamboat or vessel, under the provisions of this act, shall, after a thorough District judge to appoint persons to inspect the boilers and machinery.

Their qualifications and duties.
Inspectors of the hulls, to give the owners or Masters a certificate

stating the age of the boat, &c.

Also a certificate as to the soundness of the vessel.

For which the owner or master shall pay \$5 to each inspector.

Inspectors of the boilers to make a certificate as to the soundness, &c. of said boilers.

Duplicates of said certificate to be given to the master or owner, &c.

For which the inspectors shall each receive \$5.

Owners or masters to have the hulls inspected at least once a year.

And the boilers at least once in six months.

Penalty for failing to do so.

Competent number of experienced and skillful engineers to be employed.

Penalty for failing to do so.

Safety-valve to be opened when the vessel stops for any purpose whatever.

examination of the same, give to the owner or master, as the case may be, a certificate, in which shall be stated the age of the said boat or vessel, when and where originally built, and the length of time the same has been running. And he or they shall also state whether, in his or their opinion, the said boat or vessel is sound, and in all respects seaworthy, and fit to be used for the transportation of freight or passengers; for which service, so performed upon each and every boat or vessel, the inspectors shall each be paid and allowed by said master or owner applying for such inspection, the sum of five dollars.

§ 5. *And be it further enacted*, That the person or persons who shall be called upon to inspect the boilers and machinery of any steamboat or vessel, under the provisions of this act, shall, after a thorough examination of the same, make a certificate, in which he or they shall state his or their opinion whether said boilers are sound and fit for use, together with the age of the boilers; and duplicates thereof shall be delivered to the owner or master of such vessel, one of which it shall be the duty of the said master and owner to deliver to the collector or surveyor of the port whenever he shall apply for a license, or for a renewal of a license; the other he shall cause to be posted up, and kept in some conspicuous part of said boat, for the information of the public; and for each and every inspection so made, each of the said inspectors shall be paid by the said master or owner applying, the sum of five dollars.

§ 6. *And be it further enacted*, That it shall be the duty of the owners and masters of steamboats to cause the inspection provided under the fourth section of this act to be made at least once in every twelve months; and the examination required by the fifth section, at least once in every six months; and deliver to the collector or surveyor of the port where this boat or vessel has been enrolled or licensed, the certificate of such inspection; and, on a failure thereof, he or they shall forfeit the license granted to such boat or vessel, and be subject to the same penalty as though he had run said boat or vessel without having obtained such license, to be recovered in like manner. And it shall be the duty of the owners and masters of the steamboats licensed in pursuance of the provisions of this act to employ on board of their respective boats a competent number of experienced and skillful engineers, and, in case of neglect to do so, the said owners and masters shall be held responsible for all damages to the property or any passenger on board of any boat occasioned by an explosion of the boiler or any derangement of the engine or machinery of any boat.

§ 7. *And be it further enacted*, That whenever the master of any boat or vessel, or the person or persons charged with navigating said boat or vessel, which is propelled in whole or in part by steam, shall stop the motion or headway of said boat or vessel, or when the said boat or vessel shall be stopped for the purpose of discharging or taking in cargo, fuel or passengers, he

or they shall open the safety-valve, so as to keep the steam down in said boiler as near as practicable to what it is when the said boat or vessel is under headway, under the penalty of two hundred dollars for each and every offence.

Penalty \$200.

§ 8. *And be it further enacted*, That it shall be the duty of the owner and master of every steam vessel engaged in the transportation of freight or passengers, at sea, or on the Lakes Champlain, Ontario, Erie, Huron, Superior, and Michigan, the tonnage of which vessel shall not exceed two hundred tons, to provide and to carry with the said boat or vessel, upon each and every voyage, two long-boats or yawls, each of which shall be competent to carry at least twenty persons; and where the tonnage of said vessel shall exceed two hundred tons, it shall be the duty of the owner and master to provide and carry, as aforesaid, not less than three long-boats or yawls, of the same or larger dimensions; and for every failure in these particulars, the said master and owner shall forfeit and pay three hundred dollars.

Long-boats or yawls to be carried by steam vessels at sea, or on lakes Champlain, Ontario, Erie, Huron, Superior, and Michigan.

Penalty \$300.

§ 9. *And be it further enacted*, That it shall be the duty of the master and owner of every steam vessel employed on either of the lakes mentioned in the last section, or on the sea, to provide, as a part of the necessary furniture, a suction hose and fire engine and hose suitable to be worked on said boat in case of fire, and carry the same upon each and every voyage, in good order; and that iron rods or chains shall be employed and used in the navigation of all steamboats, instead of wheel or tiller ropes; and for a failure to do which, they, and each of them shall forfeit and pay the sum of three hundred dollars.

Vessels at sea or on the lakes aforesaid, to carry suction hose, fire engine, &c.

Iron rods or chains to be used instead of wheel or tiller ropes.

Penalty \$300.

Approved, July 7th, 1838.

CHAP. 202. An act to establish a criminal court in the District of Columbia.

§ 1. *Be it enacted, &c.*, That from and after the passage of this law, a court shall be established in the District of Columbia, for the trial of all crimes and offences against the laws now in force in the said District, and such as may be hereafter enacted to be composed of one judge, to be appointed by the President of the United States, by and with the consent of the Senate, and to receive, as compensation for his services, an annual salary of two thousand dollars, which court shall be styled the criminal court of the District of Columbia.

Court to be established in the District of Columbia for the trial of crimes.

§ 2. *And be it further enacted*, That the said court shall hold four terms in each year, on the first Mondays of December, March, June, and September, in the city of Washington, for the county of Washington, and two terms in each year, on the first Mondays of April and November, in the town of Alexandria, for Alexandria county; and that the judge of said court shall have power to hold special terms of said court in each county whenever it shall seem to him necessary to order the same, of which order ten days' previous public notice shall be given.

To be composed of one judge at a salary \$2,000 per annum, styled the criminal court of the D. C.

Four terms in the city of Washington for the county of Washington.

Two terms in the town of Alexandria for Alexandria county.

Power to hold special terms.

§ 3. *And be it further enacted*, That the district attorney, and marshal of the said District, and the clerks of the circuit

District attorney, marshal, and clerks, of the

circuit court to attend and perform their duties.

Compensation of the jurors and witnesses.

All cases now pending to be transferred.

Jurisdiction.

Writ of error may be awarded returnable to the circuit court.

Execution may be postponed on application to enable a convict to apply for a writ of error.

Question of law may, with the consent of the person accused, be adjourned to the circuit court, to be argued and decided.

court in the said District, for the counties of Washington and Alexandria, respectively, shall attend the said criminal court in said counties, and perform all the duties now by law required of them, respectively, in relation to the criminal business of the circuit court in the said counties, and shall, respectively, receive the same fees and compensation therefor. And the jurors and witnesses attending said court in the said counties shall be entitled to the same compensation they now receive for their attendance in the said circuit court in the said counties respectively.

§ 4. *And be it further enacted*, That all recognizances, presentments, indictments, pleas, and criminal prosecutions and proceedings whatsoever, and all suits and proceedings for fines and forfeitures and on forfeited recognizances, now pending in the said circuit court for the said counties of Washington and Alexandria, respectively, shall be transferred to the said criminal court in the said counties, respectively, and be there proceeded on as they would have been in the said circuit court for said counties, respectively, if this act had not been passed; and all process hereafter issued, or now issued from the said circuit court, for the said counties, respectively, shall be returnable and returned to the said criminal court at the next succeeding term and terms thereof, in the said counties, respectively, and the said criminal court shall have all the jurisdiction in the said counties, respectively, now held by the said circuit court in the said counties, respectively, for the trial and punishment of all crimes and offences, and the recovery of all fines, forfeitures and recognizances.

§ 5. *And be it further enacted*, That the circuit court of the District of Columbia, or any judge thereof, during the vacation of the court, shall have power to award a writ of error, in any criminal case whatever, wherein final judgment shall have been pronounced by the criminal court for either county in the said District, returnable to the circuit court of that county in which said judgment may be rendered, convicting any person of any crime or misdemeanor, and to reverse said judgment, or remand the case, and order a new trial, or such other proceeding therein, as the nature of the case may require.

§ 6. *And be it further enacted*, That to enable the person so convicted by the judgment of the said criminal court, to apply for a writ of error, in all cases when the judgment shall be death, or confinement in the penitentiary, the said criminal court shall, on application of the party accused, postpone the final execution thereof to a reasonable time beyond the next term of said circuit court, not exceeding in any case thirty days after the end of such term of the circuit court.

§ 7. *And be it further enacted*, That the said criminal court, in any case, may with the consent of the person accused, adjourn any question of law to the circuit court of that county, in the District aforesaid, in which the case is depending, which may be there argued and decided, though such accused person be not present.

§ 8. *And be it further enacted*, That there shall be hereafter paid to the coroners of the counties of Washington and Alexandria in the said District, and to the jurors and witnesses, who may be lawfully summoned by them in any inquest, the same fees and compensation as are now paid to the marshal of the said District, and the jurors attending the circuit court in the said county for similar services. *Approved, July 7th, 1838.*

Fees to the coroners, jurors, and witnesses, summoned to attend thereon.

CHAP. 203. An act to change the time of holding the United States Circuit Court in the District of East Tennessee and the District of Maryland.

§ 1. *Be it enacted, &c.* That the Circuit Court of the United States for the District of East Tennessee, shall be held at Knoxville, on the third Monday in October, in each and every year, and the Circuit Courts of the United States for the District of Maryland shall be held at Baltimore on the first Monday of November annually.

Circuit Court of the U. S. for East Tennessee to be held at Knoxville every year on the third Monday in October.

§ 2. *And be it further enacted*, That all recognizances entered into, and all mesne and final process which have been issued, or which shall hereafter be issued, returnable to the first term of said Court, shall be returnable to the term hereby established, and shall have the same effect as though the said process had originally been made returnable to the term hereby established. *Approved, July 7th, 1838.*

Circuit Court of the U. S. for Maryland to be held at Baltimore on the first Monday of November annually. Recognizances entered into, and process issued, when and where returnable.

CHAP. 204. An act supplementary to an act entitled "An act to increase the present military establishment of the United States, and for other purposes," approved July fifth, eighteen hundred and thirty-eight.

Act of 1838 c. 173, ante p. 2685.

§ 1. *Be it enacted, &c.*, That the act to which this is a supplement shall be, and the same hereby is explained, limited and modified as follows:

First. Nothing contained in said act shall be so construed as to allow to any officer additional rations for time past, commonly called back rations.

No back rations shall be allowed.

Second. The posts at which chaplains shall be allowed shall be limited to the number of twenty, and shall be first approved by the Secretary at War, and shall be confined to places most destitute of instruction.

Chaplains allowed at only twenty posts.

Third. That so much of said act as requires assistant quartermasters to be separated from the line, shall be, and the same is hereby, repealed.

Assistant quartermasters not required to be separated from the line.

Fourth. That the number of lieutenants authorized by said act to be added and transferred to the Ordnance Department, shall be limited to twelve.

Twelve lieutenants only to be added and transferred to Ordnance Department.

Fifth. That the monthly pay of a private soldier, raised by said act to eight dollars, shall be limited and fixed at seven dollars a month; one dollar thereof shall be retained, as provided for in said act.

Pay of a private soldier.

Sixth. That no compensation shall be allowed to officers of the Engineer Department for disbursement of public money, while superintending public works.

Compensation to officers of the Engineer Department.

Seventh. That the three assistant commissaries of subsistence

Commissaries

not to be separated from the line.

authorized by said act, shall not be separated from the line of the army.

Bounty of 160 acres of land to soldiers repealed.

Eighth. That so much of said act as allows one hundred and sixty acres of land to soldiers who shall have served ten consecutive years be, and the same is hereby repealed.

Paymaster General and Surgeon General entitled to additional rations.

Ninth. That the said act shall be so construed as to allow the Paymaster General and Surgeon General of the army, the additional rations therein granted to officers of the line and staff, for every five years service. *Approved, July 7th, 1838.*

CHAP. 222. An act to restrain the circulation of small notes, as a currency, in the District of Columbia, and for other purposes.

Unlawful, after 10th April next, to issue, pass or offer to pass in the D. C. any note, &c., less than \$5.

Violations of this section to render the offenders liable to indictment.

To be fined, upon conviction, not exceeding \$50.

Disposition of the fine.

Proviso.

§ 1. *Be it enacted, &c.,* That, after the tenth day of April next, it shall be unlawful for any individual, company, or Corporation, to issue, pass, or offer to pass, within the District of Columbia, any note, check, draft, bank-bill, or any other paper currency, of a less denomination than five dollars, and if any person or corporation shall violate the provisions of this section, the person so offending, or, in case of any corporation so offending, the officers of any such corporation for the time being, shall be liable to indictment by the grand jury of the county within the District where the offence shall have been committed; and the person so offending, or the officers of the corporation so offending, shall, on conviction thereof, be fined in a sum not exceeding fifty dollars, at the discretion of the court, for every offence, one-half of said fine shall be paid to the prosecutor, the other half shall be for the use of the county where the offence shall have been committed: *Provided,* That should the prosecutor offer himself, or be admitted, as a witness for the prosecution, he shall forfeit all claim to any part of the penalty, and the whole shall go to the county, and the court shall give judgment accordingly; and the person so offending, and the officers of any corporation, shall also be liable to pay the amount of any note, bill, check, draft, or other paper, constituting part of such currency, to any holder thereof, with all costs incident to the protest and legal collection thereof, with fifty per cent. damages for non-payment on demand, to be recovered by action of debt; and in case of judgment for the plaintiff, execution thereon shall be had forthwith; and it shall be the duty of the district attorney of the District of Columbia to commence prosecutions against all persons and every corporation offending against this section, of which he shall have knowledge or probable information; and, in case of corporations, the prosecution shall be against the president or any director or cashier thereof, for the time being; and it shall be the duty of the grand jurors to present all such offences of which they shall have knowledge or probable information; and, that no member of a grand jury shall be ignorant of his duty in this particular, it shall be the duty of the court having cognizance of all offences against this section to give the same in charge to the grand juries at the commencement of the term after the passage of this act.

§ 2. *And be it further enacted*, That from and after the passage of this act, it shall be unlawful for any individual, company, or corporation, to issue, de novo, or knowingly to pass, or procure to be issued, passed or circulated, within the District aforesaid, any note, check, bank-bill, or other paper medium, of the denomination aforesaid, evidently intended for common circulation, as for and in lieu of small change in gold or silver, or for any other pretence whatever, and which shall be issued and circulated for the first time after the period above limited in this section, under the penalties provided in the foregoing section.

Unlawful, after the passage of this act, to issue, de novo, or knowingly to pass, &c. any note, &c. of less than \$5, which shall be issued and circulated for the first time after the period limited in this section, under the penalties provided by the foregoing section.

Approved, July 7th, 1838.

CHAP. 269. An act to revive with amendments, an Act to incorporate the Medical Society of the District of Columbia.

§ 1. *Be it enacted &c.*, That Frederick May, M. D., Alexander McWilliams, Henry Hunt, M. D., N. P. Causin, M. D., William Jones, Richmond Johnson, Thomas Sewall, M. D., George W. May, M. D., Nicholas W. Worthington, M. D., James Reily M. D., James S. Gunnell, M. D., Harvey Lindsley, M. D., James C. Hall, M. D., Thomas Miller, M. D., James Borrows, M. D., A. McD. Davis, M. D., Benjamin King, M. D., Noble Young, M. D., H. F. Condict, M. D., W. B. Magruder, M. D., Perry Warfield, M. D., J. B. Blake, M. D., and such other persons as they may, from time to time, elect, and their successors, are hereby declared to be a community, corporation, and body politic, for ever, or until Congress shall by law, direct this charter to cease and to determine, by and under the name and title of the Medical Society of the District of Columbia; and by and under the same name and title they shall be able and capable in law to purchase, take, have, and enjoy, to them and their successors, in fee or for lease, estate or estates, any land, tenements, rents, annuities, chattels, bank stock, registered debts, or other public securities within the District, by the gift, bargain, sale, demise, or of any person, or persons, bodies politic, or corporate, capable to make the same, and the same, at their pleasure, to alien, sell, transfer, or lease, and apply, to such purposes as they may adjudge most conducive to the promoting and disseminating medical and surgical knowledge, and for no other purpose whatever: *Provided, nevertheless*, That the said society or body politic shall not at any one time, hold or possess property real, personal, or mixed, exceeding in total value the sum of six thousand dollars per annum.

F. May and others incorporated as the Medical Society of the District of Columbia.

Provide.

§ 2. *And be it further enacted*, That the members of the said society above designated shall hold in the City of Washington, two stated meetings in every year, viz: on the first Monday in January and July; the officers of the society to consist of a President, two Vice Presidents, one Corresponding Secretary, one Recording Secretary, one Treasurer, and one Librarian, who shall be appointed on the first Monday in July, one thousand eight hundred and thirty-eight, and on the annual meeting

Two stated meetings to be held every year.

Officers of the Society.

in January for ever thereafter, and who shall hold their offices for one year, and until others are chosen in their stead, (not less than seven members being present at such meeting ;) and the society may make a common seal, and may elect into their body such medical and chirurgical practitioners, within the District of Columbia, as they may deem qualified to become members of the society ; it being understood, that the officers of the society now elected are to remain in office until the next election after the passage of this act.

The society
may elect a Board
of Examiners, &c.

§ 3. *And be it further enacted*, That it shall and may be lawful for the said medical society, or any number of them attending, (not less than seven,) to elect by ballot five persons, residents of the District of Columbia, whose duty it shall be to grant licenses to such medical and chirurgical gentlemen as they may, upon a full examination, judge qualified, to practice the medical and chirurgical arts, or as may produce a diploma from some respectable medical college or society, each person so obtaining a certificate to pay a sum not exceeding ten dollars, to be fixed on or ascertained, by the society.

Further regula-
tions as to the
admission of per-
sons to practice.

§ 4. *And be it further enacted*, That any three of the examiners shall constitute a board for examining such candidates as may apply, and shall subscribe their names to each certificate by them granted, which certificate shall also be countersigned by the President of the society, and have the seal of the society affixed thereto by the Secretary, upon paying into the hands of the Treasury the sum of money to be ascertained as above by the Society ; and any one of the said examiners may grant a license to practice, until a board, in conformity to this act, can be held : *Provided*, That nothing herein contained shall authorize the said corporation in any wise, to regulate the practice of medical or chirurgical attendance on such persons as may need those services, nor to establish or fix a tariff of charges or fees for medical attendance or advice, or to interfere, in any way, with charges or fees for medical attendance or advice.

Provided.

Persons not al-
lowed to practice
medicine or sur-
gery without a li-
cense or diploma.

§ 5. *And be it further enacted*, That after the appointment of the aforesaid medical board, no person, not heretofore a practitioner of medicine or surgery within the District of Columbia, shall be allowed to practice within the said District, in either of said branches, without first having obtained a license, testified as by this law directed, or the production of a diploma from a respectable medical college or a board of examiners established by law : *Provided*, That the professors in such college, or the examiners in such board, be men regularly instructed in medicine and surgery, and the collateral branches of medical education, anatomy, chemistry, under the penalty of fifty dollars for each offence, to be recovered in the county court, where he may reside, by bill of presentment and indictment ; one-half for the use of the society, and the other for that of the informer.

Provided.

§ 6. *And be it further enacted*, That every person who, upon application, shall be elected a member of the medical socie-

ty, shall pay a sum not exceeding ten dollars, to be ascertained by the society.

New members to pay not exceeding \$10 on admission.

Powers of the society, as to its by-laws, seal, times of meeting, &c.

§ 7. *And be it further enacted*, That the medical society be, and they are hereby, empowered, from time to time, to make such by-laws, rules and regulations, as they may find requisite; which by-laws, rules, and regulations, shall, in their application and operation, be exclusively confined to said society, as a society or body corporate, and not to its members individually, when not acting in a corporate character; to break, or alter their common seal; to fix the times and places for the meetings of the board of examiners, filling up vacancies in the medical board, and to do and perform such other things as may be requisite for carrying this act into execution, and which may not be repugnant to the constitution and laws of the United States: *Provided, always*, That it shall and may be lawful for any person resident as aforesaid, and not prohibited as aforesaid, when specially sent for, to come into any part of this District and administer or prescribe medicine, or perform any operation for the relief of such, to whose assistance he may be sent for: *And provided, also*, That nothing in this act contained shall be so construed as to prevent any person, living within or without said District, from administering medicine, or performing any surgical operation, with the consent of the person or the attendants of the person to whom such medicine is administered, or upon whom such surgical operation is performed, without fee or reward, nor to prevent the giving advice or assistance in any way to the sick, or afflicted, upon charity and kindness, nor to prevent the receipt of reward for the same, if voluntarily tendered or made, nor to extend to midwifery by females; and any person, so administering medicine, or performing any surgical operation, not authorized to practice physic and surgery agreeably to the provisions of this act shall be prohibited from collecting any fee or reward for the same, by any process at law. *And be it further provided*, That no person shall be admitted to an examination, until he shall produce satisfactory evidence that he has studied physic and surgery three years, including one full course of medical lectures as usually taught at medical schools, or four years without such a course of lectures.

Proviso.

Proviso.

Proviso.

§ 8. *And be it further enacted*, That Congress may, at any time alter, amend, or annul, this act of incorporation of said society at pleasure. *Approved, July 7th, 1838.*

Congress may alter or annul this act at pleasure.

CHAP. 274. An act authorising the printing of the Madison papers.

§ 1. *Be it enacted, &c.*, That the joint committee on the Library be authorized to cause the Madison papers to be printed and published; and that a sum not exceeding five thousand dollars be appropriated for that purpose out of any money in the Treasury not otherwise appropriated. *Approved, July 9th, 1838.*

The joint library Committee authorized to have the Madison papers published. \$5000 appropriated.

RESOLUTIONS.

[No. 1.] Joint resolution, authorizing the Commissioner of the Public Buildings to cause the removal of the walls of the Late Post Office Building.

The Commissioner of Public Buildings to have the walls of the late Post office building taken down, &c.

Expenses, how paid.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the Public buildings be, and he hereby is authorized and directed to cause the walls of the late Post office building to be taken down, and the materials secured for use in the construction of any of the public buildings authorized by law, and to which they may be advantageously applied; and to defray the expenses of the work, he be authorized to apply any unexpended balances of appropriations in his hands, but not exceeding in amount the sum of five hundred dollars. *Approved, March 19th, 1838.*

[No. 2.] A resolution to authorize the Secretary of War to purchase a site for a fort at or near the western boundary of Arkansas.

A sum not exceeding \$13,000 to be taken out of the \$50,000 appropriated in 1836, to remove the U. S. troops from Fort Gibson for the purchase.

Resolved, &c., That out of the appropriation of fifty thousand dollars, made in the year eighteen hundred and thirty-six, to remove the United States troops from Fort Gibson, the Secretary of War be authorized and directed to take a sum not exceeding fifteen thousand dollars to purchase for the United States a site for a fort at or near the western boundary of Arkansas. *Approved, April 4th, 1838.*

[No. 4.] A resolution relating to the public revenue and dues to the Government.

No difference to be made between the different branches of the revenue, as to the money of payment.

Resolved, &c., That it shall not be lawful for the Secretary of the Treasury to make or continue in force, any general order, which shall create any difference between the different branches of revenue, as to the money or medium of payment, in which debts or dues, accruing to the United States, may be paid. *Approved, May, 31st, 1838.*

[No. 5.] Resolution to disapprove and disaffirm an act of the Legislative Council of the Wisconsin Territory chartering a bank.

Congress dissent from, disapprove, and disaffirm the act of the Legislative Council of Wisconsin, incorporating the State Bank of Wisconsin.

Resolved, &c., That Congress do hereby, dissent from, disapprove, and disaffirm the act of the Legislative Council of Wisconsin, entitled "An act to incorporate the stockholders of the State Bank of Wisconsin at Prairie du Chien," a copy of which said act has, during the present session of Congress, been presented for its action, and for confirmation or disapproval; and the said act of the Legislative Council of the said Territory is hereby declared to be null and void, and to have no force or effect, whatsoever as a law of the said Territory. *Approved, June 12th, 1838.*

[No. 6.] Joint resolution in favor of the authorities of the city of Savannah, in the State of Georgia.

Resolved, &c., That the authorities of the city of Savannah, in the State of Georgia, be, and they are hereby, authorized to re-open Reynolds and Wright streets, where they were closed by the works of Fort Wayne; and, also, to continue Bay street through the lands belonging to the United States in said city, and which form the site of Fort Wayne. *Approved, June 18th, 1838.*

The city authorities of Savannah authorized to re-open Reynolds and Wright streets and to continue Bay street.

[No. 7.] A resolution for the benefit of the widows of certain revolutionary officers and soldiers.

Resolved, &c., That the benefits of the third section of an act entitled "An act granting half pay to widows or orphans where their husbands and fathers have died of wounds received in the military service of the United States in certain cases, and for other purposes," approved the fourth day of July, eighteen hundred and thirty-six, shall not be withheld from any widow whose husband has died since the passage of the said act, or who shall hereafter die, if said widow shall otherwise be entitled to the same. *Approved, July 7th, 1838.*

The benefits of 3d Sec. act 4th July 1836 extended to widows whose husbands have died or shall die since the passage of said act.

OF

THE UNITED STATES ;

Passed at the Third Session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the third day of December, one thousand eight hundred and thirty-eight.

MARTIN VAN BUREN, President. RICHARD M. JOHNSON, Vice President, and President of the Senate. JAMES K. POLK, Speaker of the House of Representatives.

CHAP. 276. An act to provide for carrying into effect the convention between the United States of America and the Republic of Texas for marking the boundary between them.

The commr. and surveyor to be appointed under the 1st art. of the convention, shall be appointed by the Presidt. with the consent of the Senate.

A clerk to the commissioner to be appointed in the same manner.

§ 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

That the commissioner and surveyor to be appointed, on the part of the United States, according to the first article of the convention between the United States of America and the Republic of Texas for marking the boundary between them, concluded April twenty-five, eighteen hundred and thirty-eight, be severally appointed by the President of the United States, by and with the consent of the Senate, together with a clerk to the said commissioner, to be appointed in the same manner ; and that for the purpose of carrying into effect the said first article of said convention, there be appropriated, out of any money in the Treasury not otherwise appropriated, the following sums :

Appropriations for. Commissioner's salary.

For the salary of the commissioner, two thousand five hundred dollars ;

Surveyor's salary. Clerk's salary.

For the salary of the surveyor, two thousand dollars ;

For the salary of the clerk, one thousand two hundred dollars : *Provided*, That the salaries of the said officers shall not commence until they shall be ordered into service.

Salaries when to commence.

Contingent expenses.

For other expenses of the survey of boundary required by said convention, including the purchase of instruments, wages to persons employed, and other contingencies, ten thousand dollars. *Approved, January 11th, 1839.*

CHAP. 277. An act to amend an act entitled "An act to require the judge of the district of East and West Tennessee to hold a court at Jackson, in said State," approved June eighteenth, eighteen hundred and thirty-eight.

§ 1. *Be it enacted, &c.,* That to the counties specified in the first section of the act to which this is an amendment, the counties of Madison, Henderson, and Weakly, are hereby added to compose the district of West Tennessee, and the residue of the counties of the said State of Tennessee, formerly composing the district of West Tennessee, shall compose one district, to be called the Middle District of Tennessee.

Act of 1838, c. 183, ante, p. 2750.
Counties to compose the dist. of West Tennessee.

Counties to compose the Middle district of Tennessee.

§ 2. *And be it further enacted,* That the court to be held at Jackson, in addition to the ordinary jurisdiction and power of a district court, shall, within the limits of its district, have jurisdiction of all causes, except appeals and writs of error, which now are, or hereafter may by law be, made cognizable in a circuit court, and shall proceed therein in the same manner as a circuit court.

The court to be held at Jackson, in addition to district court jurisdiction, shall have circ. court jurisdiction in all cases, except appeals and writs of error.

§ 3. *And be it further enacted,* That the said court shall be held annually on the first Monday in April, at the town of Jackson, in the county of Madison, in said State, and all writs and other process may be returnable to such court on the first Monday in April, and also at rules on the first Monday in October, in the same manner as to the regular sessions of said court; and the said writs and other process may also bear test on the first Monday in October, as though a session of the court was held on that day at Jackson; and writs and other process issued previously to the first Monday in April next may bear test as on the first Monday in October last.

Said court to be held annually, on 1st Monday in April, at Jackson.

Writs and other process, when and how returnable, &c.

§ 4. *And be it further enacted,* That the marshal appointed by virtue of the act to which this is an amendment, shall execute throughout his district all lawful precepts directed to him, and issued under the authority of the United States, and shall have the same power, perform the same duties, and be under the same liabilities within his district as is conferred by law upon the other marshals of the United States within their respective districts: *Provided,* That the marshal of the Middle District, formerly termed the district of West Tennessee, shall have power and authority to collect the executions issued or to be issued upon judgments and decrees heretofore rendered in the circuit court of the United States, at Nashville, and to serve and execute all process necessary to enforce such judgments, orders, or decrees, as if this act, or the act to which this is an amendment, had not passed; and all writs of scire facias and other process upon the said judgments and decrees, or upon suits now pending in said said circuit court, at Nashville, shall also be issued from said circuit court and returned to the same, to be proceeded in as would have been done before the passage of said act to which this is an amendment.

Duties and liabilities of the marshal appointed by virtue of the act to which this is an amendment.

Provide.

An additional term of the circuit court for the Middle Dist. to be held, &c.

Should a question of law be raised the judge may adjourn the cause, &c.

The rules of the U. States circuit courts in W. Tennessee to be enforced in the court established by this act, &c.

All suits, not of a local nature, shall be brought in the court of the district where the defendant resides, &c. but, if more than one defendant, and they reside in different dists., the plaintiff may sue in either, &c.

A special term of the U. S. circuit court for the dist. of E. Tennessee to be held, &c.

The judges of the U. S. circuit courts, or any of them, may, whenever there is a dangerous and general disease at the place where the court is usually holden, adjourn said court to a future day, &c.

§ 5. *And be it further enacted*, That there shall be an additional term of the circuit court for the Middle District held at Nashville, in each year, on the first Monday of March, which shall be held by the district judge of the United States for the State of Tennessee, and should any question of law be raised in any cause, the said district judge may at his discretion adjourn the cause to the succeeding term of the circuit court.

§ 6. *And be it further enacted*, That the rules of the circuit courts of the United States in West Tennessee, heretofore adopted, shall be in full force and effect in the court established by this act, and the act to which this is an amendment, until the same are altered by law or by the judges of said court.

§ 7. *And be it further enacted*, That all suits hereafter to be brought in either of the courts of the United States in the State of Tennessee, not of a local nature, shall be brought in the court of the district where the defendant resides or may be found at the time of the service of the writ; but if there be more than one defendant, and they reside in different districts, the plaintiff may sue in either, and send a duplicate writ against the defendant; directed to the marshal of the other district, on which the plaintiff or his attorney shall endorse, that the writ thus sent is a copy of the writ sued out of the circuit or district court of the proper district; and the said writs, when executed and returned into the office from which they issued, shall constitute one suit, and be proceeded in accordingly: and executions may issue thereon to the marshals of either district where the defendant or defendants may reside, or their or either of their property may be situated.

§ 8. *And be it further enacted*, That there shall be held at Knoxville, on the third Monday of April next, a special term of the circuit court of the United States for the District of East Tennessee, by the district judge of said district at which term shall be heard and tried all issues and matters cognizable at the regular term of said court.

§ 9. *And be it further enacted*, That the judges or some one of them, of the circuit courts of the United States, shall have power to direct said courts to be adjourned over, to some future day, designated in a written order to the clerk of either of said courts, whenever there is a dangerous and general disease at the place where said court is usually holden; and the adjournment over, by the clerk, in the absence of the judges, shall have the same force and effect as if the judges had been present.

Approved, January 18th, 1839.

CHAP. 278. An act further to regulate the transportation of the mail upon railroads.

Act of 1838, c. 182, ante p. 2696.
Postmaster general shall not by virtue of the authority vested in him by 3d section act July 7th, 1838 allow more than

§ 1. *Be it enacted, &c.*, That the Post Master General shall not, by virtue of the authority vested in him by the second section of the "Act to establish certain post routes and to discontinue others," approved July seventh, eighteen hundred and thir-

ty-eight, allow more than three hundred dollars per mile per annum to any rail-road company in the United States for the conveyance of one or more daily mails upon their roads: *Provided*, That nothing in this act contained shall be construed so as in any way to remove or impair the limitations upon the power of the Post Master General imposed by that section. *Approved, January 25th, 1839.*

\$300 per mile, per annum, to any railroad company, for the conveyance of one or more daily mails. *Provide.*

CHAP. 288. An act to amend, and carry into effect, the intention of an act entitled "An act to renew the patent to Thomas Blanchard," approved June thirtieth, eighteen hundred and thirty-four.

§ 1. *Be it enacted, &c.* That the rights secured to Thomas Blanchard, a citizen of the United States, by letters patent granted on the sixth of September, eighteen hundred and nineteen, and afterwards on a corrected specification, on the twentieth day of January, anno Domini eighteen hundred and twenty, be granted to the said Blanchard, his heirs and assigns, for the further term of fourteen years from the twentieth of January, eighteen hundred and thirty-four, said invention so secured being described in said last mentioned letters as an engine for turning or cutting irregular forms out of wood, iron, brass or other material which can be cut by ordinary tools: *Provided*, That all rights and privileges heretofore sold or granted by said patentee, to make, construct, use, or vend the said invention, and not forfeited by the purchasers or grantees, shall inure to and be enjoyed by such purchasers or grantees respectively, as fully and upon the same conditions, during the period hereby granted, as for the term that did exist when such sale or grant was made.

The rights secured to T. Blanchard, by letters patent granted 6th September, 1819, and on a corrected specification, on 20th January, 1820, be granted to him, his heirs, and assigns, for fourteen years, from 20th Jan. 1834.

Provide.

§ 2. *And be it further enacted*, That any person who had bona fide, erected or constructed any manufacture or machine for the purpose of putting said invention into use, in any of its modifications, or was so erecting or constructing any manufacture or machine for the purpose aforesaid, between the period of the expiration of the patent heretofore granted and the thirtieth day of June, one thousand eight hundred and thirty four, shall have and enjoy the right of using said invention in any such manufacture or machine erected or erecting as aforesaid, in all respects as though this act had not passed: *Provided*, That no person shall be entitled to the right and privilege by this section granted, who has infringed the patent right and privilege heretofore granted, by actually using or vending said machine, before the expiration of said patent, without grant or license from said patentee, or his assignees, to use and vend the same. *Approved, February 6th, 1839.*

Persons who may have constructed or been constructing, any manufacture, &c. for the purpose of putting said invention into use, between the period of the expiration of the patent and the 30th June, 1834, shall have the right of using the same.

Provide.

CHAP. 294. An act to reorganize the district courts of the United States in the State of Alabama.

§ 1. *Be it enacted, &c.*, That the State of Alabama shall be, and the same is hereby, divided into three districts, in the man-

Alabama divided into three districts.

Counties composing the Middle dist.—court to be held at Tuscaloosa.

Counties composing the Northern dist.—court to be held at Huntsville.

Counties composing the Southern dist.—court to be held at Mobile.

U. S. judge for Alabama required to hold annually two terms of court for M. dist., and authorized to hold special terms.

Fourth Monday in May and first Monday after the fourth Monday in November to be return days of the court at Tuscaloosa.

All causes pending in dist. courts at Mobile and Huntsville, or in circuit court at Mobile, in which the defendants resided in the M. dist. at the time of serving process, to be transferred for trial to said middle dist.

Clerks of said courts to transmit the papers in said cases to clerk of court at Tuscaloosa.

Suits not of a local nature to be brought in the court of the district where the defendant resides, &c. but, if more than one defendant, and they reside in different districts, the plaintiff may sue in either, &c.

ner following, to wit: The Counties of Walker, Pickens, Sumpter, Marengo, Green, Perry, Bibb, Autauga, Coosa, Tallapoosa, Chambers, Shelby, Jefferson, and Tuscaloosa, shall compose one district, to be called the middle district; and a court shall be held for the said district at Tuscaloosa. The counties of Jackson, Madison, Limestone, Lauderdale, St. Clair, Marion, Fayette, Randolph, Taladega, Franklin, Lawrence, Morgan, Benton, Marshal, De Kalb, Cherokee, and Blount, shall hereafter compose one district, to be called the northern district; and a court shall be held for the same, as heretofore, at Huntsville; and the residue of the counties of said State shall hereafter compose the southern district of Alabama; and a court shall be held for the same, as heretofore, at Mobile.

§ 2. *And be it further enacted*, That there shall be two terms of the district court for the middle district held at Tuscaloosa, in each year, to begin on the fourth Monday in May, and the first Monday after the fourth Monday in November; and the district judge of the United States for the State of Alabama is hereby required to hold the courts aforesaid; and, furthermore, to hold one or more special terms, at Tuscaloosa in each year, if in his opinion, the business of the court shall require it to be done.

§ 3. *And be it further enacted*, That the fourth Monday in May, and first Monday after the fourth Monday in November, in each year, shall be return days for writs and executions returnable to the said district court at Tuscaloosa; and the parties to such suits as shall be so returned shall make up their pleadings, under such rules as the court shall prescribe, in order to have the causes so returned in a state of readiness for trial at the succeeding regular term.

§ 4. *And be it further enacted*, That all causes at law or in chancery, pending in the said district courts at Mobile and Huntsville, or in the circuit court of the United States at Mobile, in which the defendant or defendants resided in the middle district (as hereby established) at the time of serving process shall be transferred for trial to the district court for the said middle district, and be proceeded in, heard, adjudged, and determined, in the same manner as though originally commenced or prosecuted in the said court; and it shall be the duty of the clerks of the said courts at Huntsville and Mobile safely to transmit to the clerk of the district court at Tuscaloosa the original papers in all cases hereby ordered to be transferred, together with a transcript of all orders and other proceedings had thereon.

§ 5. *And be it further enacted*, That all suits hereafter to be brought in either of said courts, not of a local nature, shall be brought in a court of the district where the defendant resides; but if there be more than one defendant, and they reside in different districts, the plaintiff may sue in either, and send duplicate writ or writs to the other defendants; on which the plaintiff or his attorney shall endorse that the writ thus sent is a copy of

a writ sued out of a court of the proper district; and the said writs, when executed and returned into the office from which they issued, shall constitute one suit, and be proceeded in accordingly.

§ 6. *And be it further enacted*, That the judge of said district courts shall appoint a clerk of the district court of the middle district, who shall reside and keep his office, and the records and documents appertaining thereto, at the place of holding said court, said clerk shall be entitled to the same fees allowed by law to the clerks of the other districts of said State, perform the like duties, and be subject to the same liabilities and penalties.

Judge to appoint a clerk for the middle district—fees, duties, liabilities, &c. of said clerk.

§ 7. *And be it further enacted*, That the district attorney of the northern, and the marshal of the southern, district of Alabama shall respectively perform the duties of the district attorney and marshal of and for the middle district hereby established; and the said marshal shall keep an office at the city of Tuscaloosa, and his charges for mileage in the execution of the duties of his office within said middle district shall be computed from the said city of Tuscaloosa.

The Attorney for the northern, and the Marshal for the southern district to perform the duties of attorney and marshal, for the middle district.

§ 8. *And be it further enacted*, That the said district court for the middle district of Alabama, in addition to the ordinary jurisdiction and powers of a district court of the United States, shall, within the limits of said middle district, have jurisdiction of all causes, except appeals and writs of error, which now are or hereafter may by law be made, cognizable in a circuit court of the United States, and shall proceed therein in the same manner as a circuit court.

Court for the middle district in addition to district court jurisdiction, to have circuit court jurisdiction in all cases, except appeal and writs of error.

§ 9. *And be it further enacted*, That appeals and writs of error in the nature of appeals, shall lie and may be sued from the said district court at Tuscaloosa to the circuit court of the United States at Mobile in the State of Alabama.

Appeals and writs of error, shall lie to U. S. circuit court at Mobile.

§ 10. *And be it further enacted*, That should the judge of the district courts aforesaid fail to attend at the time and place of holding the court for the said middle district, at any one of its terms aforesaid, before the close of the fourth day of any such term, the business pending in such court shall stand adjourned to the next term thereof.

In case of the failure of the Judge, at any term, to hold the court for said middle district before the close of the fourth day, the court shall stand adjourned to the next term.

§ 11. *And be it further enacted*, That all laws contravening or opposed to the provisions of this act be, and the same are hereby repealed. *Approved, February 6th, 1839.*

Laws contravening this act repealed.

CHAP. 298. An act to provide for the location and temporary support of the Seminole Indians removed from Florida.

§ 1. *Be it enacted &c.*, That the President of the United States do and hereby is authorized to provide a suitable location, west of the States of Missouri or Arkansas, for the Seminole Indians who have been or may be removed from Florida; and to provide for their support until they shall be removed to such location; and that, for these purposes, the sum of ten thousand dollars be, and the same is hereby appropriated, to be paid out of any mo-

\$10,000 appropriated to enable the President to provide a suitable location west of Missouri and Arkansas for the Seminoles, and also for their support until removed.

ney in the Treasury not otherwise appropriated. *Approved, February, 13th, 1839.*

CHAP. 301. An act to amend "An act to reorganize the district courts of the United States in the State of Mississippi," approved June eighteen, eighteen hundred and thirty-eight.

The court of the N. district of Mississippi, shall have jurisdiction of all causes, except appeals and writs of error, cognizable in a circuit court, &c.

Defendants residing in said district shall not be sued in circuit court at Jackson, except, &c.

Appeals and writs of error, from said district court, when exercising circuit court powers shall be to supreme Court U. States.

The marshal for the several districts of Mississippi, in addition to the sale days now allowed by law, authorized to sell property on certain other days.

Provide.

§ 1. *Be it enacted, &c.,* That the court of the northern district of Mississippi, besides the ordinary jurisdiction of a district court, shall have jurisdiction of all causes, except appeals and writs of error, cognizable by law in a circuit court and shall proceed therein in the same manner as a circuit court.

§ 2. *And be it further enacted,* That the defendants residing in said northern district shall not be sued in the circuit court held at Jackson, except in the cases and in the mode prescribed by the fourth section of the act to which this is an amendment.

§ 3. *And be it further enacted,* That all appeals and writs of error from the decisions of the said district court, when exercising the powers of a circuit court, shall be directly to the Supreme Court of the United States, in the same manner and under the same limitations and restrictions that they are now allowed by law from the circuit court.

§ 4. *And be it further enacted,* That the Marshal of the several districts in the State of Mississippi, in addition to the several sale days now allowed by law, may be authorized to sell property at the court house of each county on Monday of each week, and on the first and second days of each term of the district court; that he may, at the written request of the defendant, change the sale of the property to the place where the United States court for his district is holden. *Provided,* in the opinion of the Marshal, the interest of the plaintiff would not be compromised thereby. *Approved, February 16th, 1839.*

CHAP. 304. An act to prohibit the giving or accepting, within the District of Columbia, of a challenge to fight a duel, and for the punishment thereof.

Any person challenging another or sending or delivering a challenge, or accepting a challenge or knowingly carrying or delivering a challenge, or knowingly carrying or delivering an acceptance of a challenge to fight a duel, wherein either of the parties are slain or mortally wounded, shall with all others aiding or abetting therein, be deemed guilty of felony and upon conviction, punished by imprisonment and

§ 1. *Be it enacted, &c.,* That if any person shall, in the District of Columbia, challenge another to fight a duel, or shall send or deliver any written or verbal message, purporting or intended to be such challenge, or shall accept any such challenge or message, or shall knowingly carry or deliver any such challenge or message, or shall knowingly carry or deliver an acceptance of such challenge or message to fight a duel in or out of the said District and such duel shall be fought in or out of the said District, and either of the parties thereto shall be slain or mortally wounded in such duel, the surviving party to such duel, and every person carrying or delivering such challenge or message, or acceptance of such challenge or message as aforesaid, and all others aiding or abetting therein, shall be deemed guilty of felony, and upon conviction thereof, in any court competent to the trial thereof, in

the said District, shall be punished by imprisonment and confinement to hard labor in the penitentiary, for a term not exceeding ten years, in the discretion of the court.

§ 2. *And be it further enacted*, That if any person shall give or send, or cause to be given or sent, to any person in the District of Columbia, any challenge to fight a duel, or to engage in single combat with any deadly or dangerous instrument or weapon whatever, or if any person in said District shall accept any challenge to fight a duel, or to engage in single combat with any deadly or dangerous instrument or weapon whatever, or shall be the bearer of any such challenge, every person so giving or sending, or causing to be given or sent, or accepting such challenge, or being the bearer thereof, and every person aiding or abetting in the giving, sending, or accepting such challenge, shall be deemed guilty of a high crime and misdemeanor, and on conviction thereof in any court competent to try the same in the said District, shall be punished by imprisonment and confinement to hard labor in the penitentiary, for a term not exceeding five years in the discretion of the court.

§ 3. *And be it further enacted*, That if any person shall assault, strike, beat, or wound, or cause to be assaulted, stricken, beaten, or wounded, any person in the District of Columbia, for declining or refusing to accept any challenge to fight a duel, or to engage in single combat with any deadly or dangerous instrument or weapon whatever, or shall post or publish, or cause to be posted or published any writing charging any such person so declining or refusing to accept any such challenge, to be a coward or using any other approbrious or injurious language therein, tending to degrade and disgrace such person for so declining or refusing such challenge, every person so offending, on conviction thereof in any court competent to the trial thereof, in the said District, shall be punished by confinement to hard labor in the penitentiary, for a term not exceeding three years, in the discretion of the court.

§ 4. *And be it further enacted*, That, if any person or persons for the purpose of evading the provisions of this act, shall leave the District of Columbia, by previous arrangement or concert within the same, with intent to give or receive any such challenge without said District, and shall give or receive any such challenge accordingly, the person or persons so offending shall be deemed guilty of a misdemeanor, and be subject to the same penalties as if such challenge had been given and received within said district.

§ 5. *And be it further enacted*, That every offender may plead a former conviction or acquittal for the same offence in any State or country; and the same, being established, shall be a bar to any further proceedings against such person under the next preceding section of this act.

§ 6. *And be it further enacted*, That any person offending against the provisions of this act may be a competent witness against any other person offending in the same transaction, and

Any person giving or sending, or causing a challenge to be given or sent, or accepting a challenge, or being the bearer of a challenge, and all others aiding or abetting therein, shall be deemed guilty of a high crime and misdemeanor and on conviction punished by imprisonment and confinement to hard labor, for not exceeding 5 years.

Any person assaulting, striking, beating, or wounding or causing another to be assaulted, stricken, beaten, or wounded for declining or refusing to fight a duel, &c. or publishing or posting, or causing such person to be published or posted, shall, on conviction, be punished by confinement to hard labor for not exceeding 3 years.

Any person giving or receiving a challenge after having left the District by previous arrangement, &c. with intent to do so, shall be deemed guilty of a misdemeanor, and subject to the same penalties as if the challenge had been given in the District.

A former conviction or acquittal, for the same offence, to be a bar to further proceedings.

Any person offending against this act, may be a competent witness against others offending in the same transaction and compelled to give

evidence, but shall not be liable to prosecutions, &c.

Grand jury to be sworn faithfully and impartially to enquire into and true presentment make of, all offences against this act.

may, at the discretion of the court, be compelled to give evidence before any grand jury, or on any trial in court; but the person so testifying shall not thereafter be liable to prosecution for the same matter, nor shall the testimony so given be used against him in any case whatsoever.

§ 7. *And be it further enacted*, That in addition to the oath now prescribed by law to be administered to the grand jury in the District of Columbia, they shall be sworn faithfully and impartially to inquire into, and true presentment make of, all offences against this act. *Approved, February 20th, 1839.*

CHAP. 305. An act to amend an act entitled "An act to establish a criminal court in the District of Columbia."

In case of inability of judge of the criminal court from sickness, &c., the chief judge of the circuit court shall hold the criminal court, and if he be prevented, the senior assistant judge.

§ 1. *Be it enacted, &c.*, That whenever the judge of the said criminal court, from sickness, or any other legal cause, shall be unable to hold the said court, he shall give notice thereof to the chief judge of the circuit court of the District of Columbia, who, if not prevented by sickness or other legal cause, on receiving such notice, shall hold the said court during the temporary inability of the judge of the said court; and if the chief judge of the said circuit court shall not be able to hold the said criminal court, then the senior assistant judge of the said circuit court shall hold the same.

All writs and process to be tested in the name of the judge.

§ 2. *And be it further enacted*, That all writs and process which shall issue from the said court, shall be tested in the name of the judge of the said court.

The judge, out of court, in all criminal matters, &c. shall exercise all the powers vested in the U. S. circuit court and the judges thereof, &c.

§ 3. *And be it further enacted*, That the judge of the said court shall, out of court, in all criminal matters, and breaches of the peace and good behavior, have and exercise all the powers by law vested in the circuit court of the United States, and the judges thereof, and which were vested by the acts establishing the circuit court of the District of Columbia, and judges of the same.

The Judge to take an oath of office—to make rules of practice for the orderly and speedy administration of business—to provide a seal—to have the same power as the judges of the circuit court, to require bail.

§ 4. *And be it further enacted*, That the judge of the said criminal court shall take the oath of office, provided by law to be taken by the judges of the circuit court of the District of Columbia; and shall have power to make all needful rules of practice for the orderly and speedy administration of the business of the same, as he shall deem expedient, not inconsistent with the laws and Constitution of the United States; and the said court is hereby authorized to provide a seal for the same; and he shall have the same power and authority as is exercised by the judges of the circuit court of the District of Columbia, to require bail in all cases when by law bail may be required.

In order to prevent delay and long confinement, &c.

§ 5. *And be it further enacted*, In order to prevent the delay and long confinement in the jails of said District, of prisoners sentenced to be executed, or to the penitentiary, when the party claims the right to have the sentence suspended, to give an opportunity of applying for a writ of error: *Be it enacted*, That all writs of error which may be granted to the judgment of the criminal court of either county, shall be returned to the circuit

All writs of error granted to the judgment of the criminal court of either county to

court which may be in session, or to the next circuit court which may be held at the stated times fixed by law for the meeting of the same; and that so much of the fifth section of the act establishing the criminal court as requires the writ of error to be returned to the circuit court of the county in which said judgment may be rendered, be, and the same is hereby repealed.—The judgment of the circuit court shall be certified to the clerk of the criminal court, and preserved among the original papers in the case.

be returned to the circuit court in session, or, &c. Such part of sec. 5th, of the former act, as is inconsistent with this, repealed.

Judgment of circuit court to be certified to clerk of criminal court.

Days on which the criminal court for Washington county shall be held.

§ 6. *And be it further enacted*, That the said criminal court for Washington county, in said District, shall hereafter commence and be held on the last Monday in December and on the second Monday in March and the fourth Monday of October, instead of the first Monday in December and the first Monday in March and the first Monday of September, the days now fixed by law for holding three of the terms of said court. All process whatsoever now issued, or which may be issued in the county of Washington, in said District, returnable to the days now fixed by law for said county, shall be returnable and returned on the days prescribed by this statute.

All process in Washington co. shall be returnable on the days prescribed by this act.

§ 7. *And be it further enacted*, That if, after the said court shall have commenced its session, the judge should be taken sick, so as not to be able to continue the session of the court from day to day until the business of the term is disposed of, it shall be lawful for him, or in his absence for the clerk of the said court to adjourn the same from day to day or week to week until such time as he shall be able to attend to the business of the said court when the same shall be resumed as if the session had not been interrupted. But if the sickness of the said judge shall continue longer than the space of one month, then the chief judge of the circuit court of the District of Columbia shall hold the said court and continue the session; and if the said chief judge shall be unable from sickness or other disability to hold the said court then the senior assistant judge of the said circuit court shall hold the same.

If during session, the judge should be taken sick, he, or in his absence, the clerk may adjourn the court from day to day, or week to week, until he is able to attend to the business.

But if this sickness continue longer than a month, the chief judge of circuit court shall continue the session, and in case of his inability, the senior assistant judge.

§ 8. *And be it further enacted*, That in any case wherein the parties or any of them may be related to the said judge of the criminal court, then such case and the record thereof may be sent to the next circuit court of the District of Columbia for the county in which the said case shall have arisen, to be there tried and determined, and sentenced passed and executed, as if this act and the act to which this is supplemental had never been passed.

Cases wherein any of the parties are related to the judge of the criminal court, may be sent to the next circuit crt. for the same co. to be tried, &c.

§ 9. *And be it further enacted*, That all causes, indictments, writs, process, and proceedings which were pending in the criminal court of the District of Columbia for the county of Washington, at the time appointed by law for holding a session thereof on the first Monday of December last past or which were returnable to the session of said court which ought to have been holden on said first Monday of December, shall be, and the same are hereby, revived, reinstated, and continued over to the next stated session of said court for said county, to be holden on the

All causes &c. which were pending for Washington county on last Monday of Dec. last or returnable to that session are revived, reinstated, and continued over to the next stated session to be holden on 2d Monday of March next.

second Monday of March next, in the same manner and condition, and the same further proceedings may be had therein as if a session of the said court had been held, according to law, on the said first Monday of December, and as if a regular continuance of all said causes, indictments, writs, process, and proceedings, had been duly entered upon the records of the said court.

Approved, February 20th, 1839.

CHAP. 309. An act to abolish imprisonment for debt in certain cases.

Imprisonment for debt abolished on process issuing out of a U. S. court, in states where it has been abolished by the state laws, and where it is allowed, under certain conditions and restrictions, the same to be applicable, &c.
Act of 1841, c. 39, post p.

§ 1. *Be it enacted, &c.*, That no person shall be imprisoned for debt in any State, on process issuing out of a court of the United States, where by the laws of such State, imprisonment for debt has been abolished; and where by the laws of a State, imprisonment for debt shall be allowed, under certain conditions and restrictions, the same conditions and restrictions shall be applicable to the process issuing out of the courts of the United States; and the same proceedings shall be had therein, as are adopted in the courts of such State. *Approved, February 28th, 1839.*

CHAP. 310. An act in amendment of the acts respecting the Judicial System of the United States.

In suits commenced in U. S. courts when there are several defendants, any of whom shall not be inhabitants of, or found within the district where suit is brought, or shall not voluntarily appear thereto, the court may entertain jurisdiction, and proceed to the trial and adjudication of the suit, but, &c.

§ 1. *Be it enacted, &c.*, That where, in any suit at law or in equity, commenced in any court of the United States, there shall be several defendants, any one or more of whom shall not be inhabitants of or found within the district where the suit is brought or shall not voluntarily appear thereto, it shall be lawful for the court to entertain jurisdiction, and proceed to the trial and adjudication of such suit, between the parties who may be properly before it; but the judgment or decree rendered therein shall not conclude or prejudice other parties, not regularly served with process, or not voluntarily appearing to answer; and the non-joinder of parties who are not so inhabitants, or found within the district, shall constitute no matter of abatement, or other objection to said suit.

The appointment of clerks in circuit courts U. S.—how made.

§ 2. *And be it further enacted*, That all the circuit courts of the United States shall have the appointment of their own clerks; and in case of a disagreement between the judges the appointment shall be made by the presiding judge of the court.

Pecuniary penalties and forfeitures accruing under U. S. laws, where sued for and recovered.

§ 3. *And be it further enacted*, That all pecuniary penalties and forfeitures accruing under the laws of the United States may be sued for and recovered in any court of competent jurisdiction in the State or district where such penalties or forfeitures have accrued, or in which the offender or offenders may be found.

No suits and prosecutions to be maintained for penalties or forfeitures, accruing under laws of U. S., unless com-

§ 4. *And be it further enacted*, That no suit or prosecution shall be maintained, for any penalty or forfeiture, pecuniary or otherwise, accruing under the laws of the United States, unless the same suit or prosecution shall be commenced within five

years from the time when the penalty or forfeiture accrued; ^{menaced within five years. Provide.}
Provided, The person of the offender or the property liable for such penalty or forfeiture shall, within the same period, be found within the United States; so that the proper process may be instituted and served against such person or property therefor.

§ 5. *And be it further enacted*, That the punishment of whipping and punishment of standing in the pillory, so far as they now are provided for by the laws of the United States, be, and the same are hereby, abolished. ^{Punishments of whipping and standing in the pillory, so far as now provided for by laws U. S. abolished.}

§ 6. *And be it further enacted*, That, in all cases of recognizances in criminal causes taken for, or in, or returnable to, the courts of the United States, which shall be forfeited by a breach of the condition thereof, the said court for or in which the same shall be so taken, or to which the same shall be returnable, shall have authority in their discretion to remit the whole or a part of the penalty, whenever it shall appear to the court that there has been no wilful default of the parties, and that a trial can notwithstanding be had in the cause, and that public justice does not otherwise require the same penalty to be exacted or enforced. ^{Penalties for the forfeiture of recognizances, in criminal causes, taken for, or in, or returnable to any U. S. court, may be remitted by such court, in whole or in part—when.}

§ 7. *And be it further enacted*, That the second section of the act of Congress, passed the twenty-ninth day of April, one thousand eight hundred and two, which makes it the duty of the associate justice of the Supreme Court, resident in the fourth circuit, to attend in the city of Washington, on the first Monday of August annually, to make orders respecting the business of the Supreme Court, be, and the same is, hereby, repealed. ^{2d Sec. act 20th April 1800, requiring certain duties of the associate justice of the Supreme Court resident in the 4th circuit, repealed.}

§ 8. *And be it further enacted*, That in all suits and actions in any circuit court of the United States in which it shall appear that both the judges thereof or the judge thereof, who is solely competent by law to try the same, shall be any ways concerned in interest therein, or shall have been of counsel for either party, or is, or are so related to or connected with either party as to render it improper for him or them, in his or their opinion, to sit in the trial of such suit or action, it shall be the duty of such judge or judges, on application of either party, to cause the fact to be entered on the records of the court; and also to make an order that an authenticated copy thereof, with all the proceedings in such suit or action, shall be forthwith certified to the most convenient circuit court in the next adjacent State, or in the next adjacent circuit; which circuit court shall, upon such record and order being filed with the clerk thereof, take cognizance thereof in the same manner as if such suit or action had been rightfully and originally commenced therein, and shall proceed to hear and determine the same accordingly, and the proper process for the due execution of the judgment or decree rendered therein, shall run into and may be executed in the district where such judgment or decree was rendered, and also, into the district from which such suit or action was removed. ^{In suits and actions in any circuit court U. S. in which the judges are in any way concerned, &c. said judges shall on the application of either party cause the fact to be entered on the records of the court and make an order that an authenticated copy thereof with all the proceedings be forthwith certified to the most convenient circuit court in the next adjacent state or circuit which court shall take cognizance thereof, &c.}
Approved, February 28th, 1839.

CHAP. 311. An act to revise and extend "An act to authorize the issuing of Treasury notes to meet the current expenses of the Government," approved the twenty-first of May, eighteen hundred and thirty-eight.

Act of 1838, c. 288, ante p. 265.
Sec. Treasury with the approbation of the President, authorized to cause to be issued any time prior to 30th June next, the remainder of the Treasury notes authorized by act 21st May 1838.

§ 1. *Be it enacted, &c.*, That the Secretary of the Treasury, with the approbation of the President of the United States, is hereby authorized to cause to be issued the remainder of the Treasury notes authorized to be issued by the act to authorize the issuing of Treasury notes to meet the current expenses of the Government," approved the twenty-first day of May, eighteen hundred and thirty-eight, according to the provisions of said act, at any time prior to the thirtieth day of June next, any limitation in the act aforesaid or in the act to authorize the issuing of Treasury notes," approved the twelfth day of October, eighteen hundred and thirty-seven to the contrary notwithstanding.

Approved, March 2d, 1839.

CHAP. 346. An act to authorize the construction of certain improvements in the Territory of Wisconsin and for other purposes.

For the further survey and an estimate for improving and connecting the Neenah and Wisconsin.

§ 1. *Be it enacted, &c.*, That for the further survey and estimate of the cost of improving the navigation of the Neenah and Wisconsin rivers and connecting the same by a navigable canal or communication, two thousand dollars, be and the same are hereby appropriated; and that the following sums of money be, and the same are hereby, appropriated for the construction of roads in the Territory of Wisconsin, to wit:

Appropriations for roads from Racine by Janesville to Sinipee.
From Sauk harbor to Dekorree.

For the construction of a road from Racine, by Janesville, to Sinipee, on the Mississippi, ten thousand dollars;

For the survey and construction of a road from Sauk harbor, on Lake Michigan, to Dekorree, on the Wisconsin river, five thousand dollars;

From Fond du Lac by Fox lake to Wisconsin river.

For the construction of a road from Fond du Lac, on lake Winnebago, by Fox lake, to the Wisconsin river, five thousand dollars.

The \$2000 appropriated by act 7th July 1838, for a railroad to be applied to the survey for a rail road from Milwaukee to the Mississippi.

§ 2. *And be it further enacted*, That the sum of two thousand dollars, appropriated by the act of the seventh of July, eighteen hundred and thirty-eight, entitled "An act making appropriations for certain roads in the Territory of Wisconsin" for a rail-road, shall be applied by the Secretary of War to the survey of the most eligible route for a rail-road from the town of Milwaukee, on Lake Michigan, to such a point on the Mississippi river as may be deemed most expedient. *pproved, March 3d, 1839.*

CHAP. 347. An act to repeal the second section of "An act to extend the time for locating Virginia military land warrants and returning surveys thereon to the General Land Office," approved July seventh, eighteen hundred and thirty-eight.

Act of 1838, c. 176, ante p. 2691.

2d sec. act 7th July 1838, repealed.

§ J. *Be it enacted, &c.* That the second section of "An act to extend the time for locating Virginia military land warrants and

returning surveys thereon to the General Land office" approved July seventh, eighteen hundred and thirty-eight, be, and the same is hereby repealed. *Approved, March 3d, 1839.*

CHAP. 348. An act for the relief of umbrella-makers.

§ 1. *Be it enacted, &c.,* That there shall be refunded out of the Treasury, to such umbrella-makers as have imported umbrella-stretchers since the passage of the act entitled "An act to alter and amend the several acts imposing duties on imports," approved the fourteenth day of July, A. D. eighteen hundred and thirty-two, all excess of duty, beyond what such importers would have been required to pay, if the provisos contained in the tenth and twelfth clauses of the second section of said act had at all times since its passage been suspended in their operation in the same manner as they were by the act of the second of March, A. D. eighteen hundred and thirty-three, entitled "An act to explain and amend the several acts imposing duties on imports, passed the fourteenth of July, one thousand eight hundred and thirty-two, so far as relates to hardware and certain manufactures of copper and brass and other articles," and by other subsequent acts of like character. *Approved, March 3d, 1839.*

Act of 1832, c. 224, vol. 4, p. 2317,
Act of 1833, c. 361, vol. 4, p. 2345.
All excess of duty beyond what would have been required if the provisos of 10th and 12th clauses of 2d sec. act 14th July 1832 had at all times been suspended in their operation in the same manner as they were by act 2d March, 1833, and other subsequent acts of like character, to be refunded to such umbrella-makers as imported umbrella-stretchers, since the passage of act 14th July, 1832.

CHAP. 351. An act making a donation of land to the Territory of Iowa, for the purpose of erecting public buildings thereon.

§ 1. *Be it enacted, &c.,* That there be, and hereby is, appropriated and granted to the Territory of Iowa, one entire section of land, of any of the surveyed public lands in said Territory, for the purpose of erecting thereon the public buildings for the use of the Executive and Legislative departments of the Government of the said Territory: *Provided,* That the said section of land shall be selected under the authority of the Territorial Legislature, the seat of Government located thereon, and notice of said selection officially returned to the register of the land office in the district in which the land is situated within one year from the passing of this act: *And provided, further,* That nothing herein contained shall authorize the selection of the sixteenth section in any township reserved for the use of schools, nor of any lot reserved for public purposes; and that in the selection to be made as aforesaid, no pre-existing improvement or right to pre-emption recognized by law, shall be prejudiced thereby.

One section of land granted to Iowa for the erection thereon of public buildings for the Executive and Legislative departments of that territory.
Proviso.

Further provided.

§ 2. *And be it further enacted,* That if, at the time of the selection of the section of land to be made as aforesaid, the contiguous sections thereto have not been made subject to public sale, or being so subject have not been sold at public sale or by private entry, then each and every section contiguous to said selected section, and not so sold, shall be thereafter reserved and withheld from sale in any manner, until the further order of Con-

The sections of land contiguous to said section, shall be reserved, if, &c.

Iowa may dispose of such part of said section as is more than sufficient for the buildings afore-
said.

gress thereon. But nothing herein expressed shall be construed to restrain the said Territory of Iowa, after appropriating a sufficient quantity of land within said selected section for the site and accommodation of the public buildings, from selling and disposing of the residue of said section in lots or otherwise, for the use of said Territory, in the erection and completion of said buildings. *Approved, March 3d, 1839.*

CHAP. 353. An act granting to the judges of the supreme courts of Iowa the same compensation as by law is given to the judges of the supreme court of Wisconsin.

From commencement of next quarter after passage of this act.

§ 1. *Be it enacted, &c.,* That from and after the commencement of the next quarter, after the passage of this act, the judges of the supreme court of the Territory of Iowa shall receive the same salary as is now received by the judges of the Territory of Wisconsin. *Approved, March 3d, 1839.*

Act of 1841, c. 33, post, p.

CHAP. 354. An act to provide for taking the sixth census or enumeration of the inhabitants of the United States.

Marshals of districts of the U.S., of Dist. of Columbia and of Territories to cause the number of inhabitants to be taken under the directions of Sec. of State, (omitting Indians not taxed.)

Enumeration to distinguish, whites, of Age and sex.

Deaf and dumb.

Blind.

Insane and idiots.

Of colored.

Age and sex of free and slaves.

§ 1. *Be it enacted, &c.,* That the marshals of the several districts of the United States, and of the District of Columbia, and of the Territories of Wisconsin, Iowa, and of Florida, respectively, shall be, and are hereby, required, under the direction of the Secretary of the Department of State, and according to such instructions as he shall give, pursuant to this act, to cause the number of the inhabitants within their respective districts and territories (omitting, in such enumeration, Indians not taxed) to be taken according to the directions of the act. The said enumeration shall distinguish the sexes of all free white persons, and ages of the free white males and females, respectively, under five years of age; those of five and under ten years of age; those of ten years and under fifteen; those of fifteen and under twenty; those of twenty and under thirty; those of thirty and under forty; those of forty and under fifty; those of fifty and under sixty; those of sixty and under seventy; those of seventy and under eighty; those of eighty and under ninety; those of ninety and under one hundred; those of one hundred and upwards: and shall further distinguish the number of those free white persons included in such enumeration who are deaf and dumb, under the age of fourteen years; and those of the age of fourteen years and under twenty-five; and of the age of twenty-five and upwards; and shall further distinguish the number of those free white persons included in such enumeration who are blind: and also in like manner of those who are insane, or idiots, distinguishing further such of the insane and idiots as are a public charge. The said enumeration shall distinguish the sexes of all free colored persons, and of all other colored persons bound to service for life or for a term of years and the ages of such free and other colored persons, respectively, of each sex, under ten years of age; those of ten and under twenty-four; those of

twenty-four and under thirty-six; those of thirty-six and under fifty-five; those of fifty-five, and under one hundred: and those of one hundred and upwards: and shall further distinguish the number of those free colored and other colored persons included in the foregoing who are deaf and dumb, without regard to age, and those who are blind and also in like manner of those who are insane or idiots, distinguishing further such of the insane and idiots as are a public charge. For effecting which the marshals aforesaid shall have power, and are hereby required, to appoint one or more assistants in each city and county in their respective districts and territories, residents of such city or county for which they shall be appointed: and shall assign to each of the said assistants a certain division of territory; which division shall not consist, in any case, of more than one county, but may include one or more towns, townships, wards, hundreds, precincts, or parishes, and shall be plainly and distinctly bounded. The said enumeration shall be made by an actual inquiry by such marshals or assistants, at every dwelling house, or by personal inquiry of the head of every family. The marshals and the assistants shall, respectively, before entering on the performance of their duty under this act, take and subscribe an oath or affirmation before some judge or justice of the peace resident within their respective districts or territories, for the faithful performance of their duties. The oath or affirmation of the marshal shall be as follows: "I, A B, marshal of the district (or territory) of ———, do solemnly swear (or affirm) that I will truly and faithfully cause to be made a full and perfect enumeration and description of all persons resident within my district, (or territory,) and return the same to the Secretary of State, agreeably to the directions of an act of Congress entitled 'An act to provide for taking the sixth census or enumeration of the inhabitants of the United States,' according to the best of my ability." The oath or affirmation of an assistant shall be as follows: "I, A B, appointed an assistant to the marshal of the district (or territory) of ———; do solemnly swear (or affirm) that I will make a just, faithful, and perfect enumeration and description of all persons resident within the division assigned to me for that purpose by the marshal of the district (or territory) of ———, and make due return thereof to the said marshal, agreeably to the directions of an act of Congress entitled 'An act to provide for taking the sixth census or enumeration of the inhabitants of the United States,' according to the best of my ability, and that I will take the said enumeration and description by actual inquiry at every dwelling house within said division, or personal inquiry of the head of every family, and not otherwise." The enumeration shall commence on the first day in June, in the year one thousand eight hundred and forty, and shall be completed and closed within ten calendar months thereafter. The several assistants shall, within nine months, and on or before the first day of October, one thousand eight hundred and forty, deliver to the marshals by whom they shall be appointed, respectively,

Deaf and dumb.

Blind.

Insane and idiots.
Marshals may
appoint assistants.

Assistants' districts to be distinctly defined.

The enumeration to be made by actual inquiry.
Marshals and assistants to take an oath, &c.

Form of marshal's oath.

Form of assistant's oath.

Enumeration to commence on 1st June, 1840, and close in ten months.

Assistants, within 9 months, and on or before the first day of October, 1840, to make returns.

Form of return.

two copies of the accurate returns of all persons, except Indians not taxed, to be enumerated as aforesaid, within their respective divisions; which returns shall be made in a schedule, and which shall distinguish, in each county, city, town, township, ward, precinct, hundred, district, or parish, according to the civil divisions of the States or Territories, respectively, the several families, by the name of the head thereof.

\$200 penalty for neglect or false return by assistants.

§ 2. *And be it further enacted*, That every assistant, failing or neglecting to make a proper return, or making a false return, of the enumeration to the marshal, within the time limited by this act, shall forfeit the sum of two hundred dollars, recoverable in the manner pointed out in the next section hereof.

Marshals to file one copy of returns and an attested copy of the aggregate amount, with the clerks of their districts.

§ 3. *And be it further enacted*, That the marshal shall file one copy of each of the several returns aforesaid, and also, an attested copy of the aggregate amount hereinafter directed to be transmitted by them, respectively, to the Secretary of State, with the clerks of their respective districts or superior courts, as the case may be, who are hereby directed to receive, and carefully to preserve, the same; and the marshals, respectively, shall, on or before the first day of December, in the year one thousand eight hundred and forty, transmit to the Secretary of State one copy of the several returns received from each assistant, and also the aggregate amount of each description of persons within their respective districts or territories; and every marshal failing to file the returns of his assistants, or the returns of any of them, with the clerks of the respective courts, as aforesaid, or failing to return one copy of the several returns received from each assistant, and, also, the aggregate amount of each description of persons in their respective districts or territories, as required by this act, and as the same shall appear from said returns, to the Secretary of State, within the time limited by this act, shall, for every such offence, forfeit the sum of one thousand dollars; which forfeiture shall be recoverable in the courts of the districts or territories where the said offences shall be committed, or within the circuit courts held within the same, by action of debt, information, or indictment; the one-half thereof to the use of the United States, and the other half to the informer; but where the prosecution shall be first instituted on behalf of the United States, the whole shall accrue to their use; and, for the more effectual discovery of such offences, the judges of the several district courts in the several districts, and of the supreme courts in the territories of the United States, as aforesaid, at their next session to be held after the expiration of the time allowed for making the returns of the enumeration hereby directed to the Secretary of State, shall give this act in charge to the grand juries in their respective courts, and shall cause the returns of the several assistants, and the said attested copy of the aggregate amount, to be laid before them for their inspection. And the respective clerks of the said courts, shall, within thirty days af-

Also one copy with Sec. of State by 1st Dec. 1840.

\$1000 forfeit for neglect.

Forfeitures recoverable where the offences are committed, &c.

One half to the informer, unless, &c.

For the more effectual discovery of offences the judges shall give this act in charge to grand juries—and cause returns, &c. to be laid before them.

Clerks, within 30 days after returns have been before grand ju-

ter the said original returns shall have been laid before the grand juries aforesaid, transmit and deliver all such original returns, so filed to the Department of State.

§ 4. *And be it further enacted*, That every assistant shall receive at the rate of two dollars for every hundred persons by him returned, where such persons reside in the country; and where such persons reside in a city or town containing more than three thousand persons, such assistant shall receive at the same rate for three thousand, and at the rate of two dollars for every three hundred persons over three thousand, residing in such city or town; but where, from the dispersed situation of the inhabitants in some divisions, two dollars will not be sufficient for one hundred persons, the marshals, with the approbation of the judges of their respective districts or territories, may make such further allowance to the assistant in such divisions as shall be deemed an adequate compensation: *Provided*, The same does not exceed two dollars and fifty cents, for every fifty persons by them returned: *Provided, further*, That before any assistant as aforesaid, shall, in any case, be entitled to receive said compensation, he shall take and subscribe the following oath or affirmation, before some judge or justice of the peace, authorized to administer the same, to wit: "I, A B, do solemnly swear (or affirm) that the number of persons set forth in the return made by me, agreeably to the provision of the act entitled 'An act to provide for taking the sixth census or enumeration of the inhabitants of the United States,' have been ascertained by an actual inquiry at every dwelling house, or a personal inquiry of the head of every family, in exact conformity with the provisions of said act; and that I have in every respect, fulfilled the duties required of me by said act, to the best of my abilities; and that the return aforesaid is correct and true, according to the best of my knowledge and belief."

Compensations of assistants.

Proviso limiting compensation.

Proviso, an oath to be taken before receiving compensation.

Form of oath.

The compensation of the several marshals shall be as follows:

Compensation to marshals.

The marshal of the district of Maine, four hundred dollars;

Mass.

The marshal of the district of New Hampshire, four hundred dollars;

N. H.

The marshal of the district of Massachusetts, four hundred and fifty dollars;

Mass.

The marshal of the district of Rhode Island, two hundred and fifty dollars;

R. I.

The marshal of the district of Vermont, four hundred dollars;

Vt.

The marshal of the district of Connecticut, three hundred and fifty dollars;

Conn.

The marshal of the southern district of New York, four hundred and fifty dollars;

N. Y. S. dist.

The marshal of the northern district of New York, four hundred and fifty dollars;

N. Y. N. dist.

The marshal of the district of New Jersey, three hundred and fifty dollars;

N. J.

- Pa. E. dist.** The marshal of the eastern district of Pennsylvania, four hundred dollars ;
- Pa. W. dist.** The marshal of the western district of Pennsylvania, four hundred dollars ;
- Del.** The marshal of the district of Delaware, two hundred and twenty-five dollars ;
- Md.** The marshal of the district of Maryland, four hundred and fifty dollars ;
- Va. E. dist.** The marshal of the eastern district of Virginia, four hundred dollars ;
- Va. W. Dist.** The marshal of the western district of Virginia, four hundred dollars ;
- Ky.** The marshal of the district of Kentucky, four hundred and fifty dollars ;
- N. C.** The marshal of the district of North Carolina, four hundred and fifty dollars ;
- S. C.** The marshal of the district of South Carolina, four hundred and fifty dollars ;
- Ga.** The marshal of the district of Georgia, four hundred and fifty dollars ;
- E. Tenn.** The marshal of the district of East Tennessee, two hundred dollars ;
- W. Tenn.** The marshal of the district of West Tennessee, two hundred dollars ;
- Tenn. M. Dist.** The marshal of the middle district of Tennessee, two hundred dollars ;
- Ohio:** The marshal of the district of Ohio, five hundred dollars ;
- Ind.** The marshal of the district of Indiana, four hundred and fifty dollars ;
- Ill.** The marshal of the district of Illinois, three hundred dollars ;
- Miss. N. Dist.** The marshal of the northern district of Mississippi, two hundred dollars ;
- Miss. S. Dist.** The marshal of the southern district of Mississippi, two hundred dollars ;
- La.** The marshals of the districts of Louisiana, two hundred dollars each ;
- Al. N. Dist.** The marshal of the northern district of Alabama, two hundred dollars ;
- Al. S. Dist.** The marshal of the southern district of Alabama, two hundred dollars ;
- D. C.** The marshal of the District of Columbia, one hundred and fifty dollars ;
- Mich.** The marshal of the district of Michigan, two hundred and fifty dollars ;
- Ark.** The marshal of the district of Arkansas, two hundred and fifty dollars ;
- Fl.** The marshals of the territory of Florida, respectively, fifty dollars ;

The marshals of the Territory of Wisconsin, two hundred and fifty dollars; Wis.

The marshals of the Territory of Iowa, two hundred and fifty dollars. Iowa.

§ 5. *And be it further enacted*, That every person whose usual place of abode shall be in any family on the said first day of June, one thousand eight hundred and forty, shall be returned as of such family; and the name of every person who shall be an inhabitant of any district or Territory, without a settled place of residence, shall be inserted in the column of the schedule which is allotted for the heads of families in the division where he or she shall be on the said first day of January, and every person occasionally absent at the time of enumeration, as belonging to the place in which he or she usually resides in the United States. Mode of returning transient persons.

§ 6. *And be it further enacted*, That each and every free person more than sixteen years of age, whether heads of families or not, belonging to any family within any division, district or Territory, made or established within the United States, shall be and hereby is, obliged to render to the assistant of the division, if required, a true account, to the best of his or her knowledge, of every person belonging to such family, respectively, according to the several descriptions aforesaid, on pain of forfeiting twenty dollars, to be sued for and recovered in any action of debt, by such assistant; the one-half to his own use and the other half to the use of the United States. Every free person above the age of 16, to give information under penalty of \$20.

§ 7. *And be it further enacted*, That each and every assistant, previous to making his return to the marshal, shall cause a correct copy, signed by himself, of the schedule containing the number of inhabitants within his division, to be set up at two of the most public places within the same, there to remain for the inspection of all concerned; for each of which copies the said assistant shall be entitled to receive five dollars: *Provided*, Proof of the schedule having been set up shall be transmitted to the marshal, with the return of the number of persons; and in case any assistant shall fail to make such proof to the marshal, with the return of the number of persons, as aforesaid, he shall forfeit the compensation allowed him by this act. How recovered and disposed of.

§ 8. *And be it further enacted*, That the Secretary of State shall be, and hereby is, authorized and required to transmit to the marshals of the several districts and Territories, regulations and instructions, pursuant to this act, for carrying the same into effect; and, also, the forms contained therein of the schedule to be returned, and such other forms as may be necessary in carrying this act into execution, and proper interrogatories to be administered by the several persons to be employed in taking the enumeration. Assistants to set up a correct copy of schedule at two of the most public places.

§ 9. *And be it further enacted*, That, in those States composing two districts, where a part of a county may be in each district, such county shall be considered as belonging to that district in which the court house of said county may be situated. Entitled to \$5 for each copy. Provide.

Sec. of State to transmit to marshals, regulations and instructions, forms, &c.

Where a co. is in two dists. It shall belong to the dist. where the court house is.

Further compensation allowed in certain cases.

§ 10. *And be it further enacted*, That in all cases where the superficial content of any county or parish shall exceed twenty miles square, and the number of inhabitants in said parish or county shall not exceed three thousand, the marshals or assistants shall be allowed with the approbation of the judges of the respective districts or territories such further compensation as shall be deemed reasonable: *Provided*, The same does not exceed four dollars for every fifty persons by them returned; and when any such county or parish shall exceed forty miles square, and the number of inhabitants in the same shall not exceed three thousand, a like allowance shall be made, not to exceed six dollars for every fifty persons so returned.

Proviso.

10,000 copies of the aggregate to be printed by printers to Congress.

Proviso: marshals not to demand or receive directly or indirectly, any fee, reward, &c. from assistants appointed by them.

Penalty for so doing \$500—how to be recovered and disposed of.

Marshals to be allowed the postage incurred under this act.

A census of pensioners to be taken.

Information exhibiting a full view of the pursuits, industry, education and resources of the country to be collected.

Forms, regulations and instructions to be prepared by Sec. of

§ 11. *And be it further enacted*, That when the aforesaid enumeration shall be completed and returned to the office of the Secretary of State by the marshals of the States and Territories, he shall direct the printers to Congress to print, for the use of Congress, ten thousand copies of the aggregate returns received from the marshals: *And provided*, That if any marshal, in any district within the United States or Territories, shall, directly or indirectly, ask, demand, or receive, or contract to receive, of any assistants to be appointed by him under this act, any fee, reward, or compensation, for the appointment of such assistant to discharge the duties required of such assistant under this act, or shall retain from such assistant any portion of the compensation allowed to the assistant by this act, the said marshal shall be deemed guilty of a misdemeanor in office, and shall forfeit and pay the amount of five hundred dollars for each offence, to be recovered by suit or indictment in any circuit or district court of the United States or the Territories thereof, one-half to the use of the Government, and the other half to the informer; and all contracts which may be made in violation of this law, shall be void, and all sums of money or property paid, may be recovered back by the party paying the same, in any court having jurisdiction of the same.

§ 12. *And be it further enacted*, That there shall be allowed and paid to the marshals of the several States, Territories, and the District of Columbia, the amount of postage by them respectively paid on letters relating to their duties under this act.

§ 13. *And be it further enacted*, That the aforesaid marshals and their assistants shall also take a census of all persons receiving pensions from the United States for revolutionary or military services, stating their names and ages: and also shall collect and return in statistical tables under proper heads according to such forms as shall be furnished, all such information in relation to mines, agriculture, commerce, manufactures, and schools, as will exhibit a full view of the pursuits, industry, education and resources of the country, as shall be directed by the President of the United States. And it shall be the duty of the Secretary of State, under the direction of the President, to pre-

pare such forms, regulations, and instructions, as shall be necessary and proper to comply with the provisions of this act.

State, under direction of the President, \$20,000 appropriated.

§ 14. *And be it further enacted*, That the sum of twenty thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying this act into effect. *Approved, March 3d, 1839.*

CHAP. 355. An Act to amend the act of the third of March, eighteen hundred and thirty-seven, entitled "An act supplementary to the act entitled 'An act to amend the judicial system of the United States,' and for other purposes."

Act of 1837, c. 402, vol. 4. p. 2538.

§ 1. *Be it enacted, &c.*, That it shall be the duty of the district judge of Missouri to attend at St. Louis, on the first Monday of October annually, who shall have power to make all necessary orders touching any suit, action, appeal, writ of error, process, pleadings, or proceedings returned to the circuit court, or depending therein, preparatory to the hearing, trial, or decision of such action, suit, appeal, writ of error, process, pleadings, or proceedings; and all writs and process may be returnable to the said courts on the first Monday of October, in the same manner as to the sessions of the circuit courts directed to be held by the said act of third March, eighteen hundred and thirty-seven; and the said writs returnable to the circuit courts may also bear test on the said first Monday of October, as though a session of said court was holden on that day.

Dist. judge for Missouri shall attend at St. Louis on 1st Monday of Oct. annually, to make all necessary orders, touching suits, &c. returned to circuit court, &c.

All writs and process how returnable to said court.

May bear test on 1st Monday of October.

§ 2. *And be it further enacted*, That the district court of the United States for the district of East Tennessee shall, hereafter, be holden on the third Monday of October in each year, instead of the second Monday of October, as now prescribed by law; and that the district court of the Middle District of Tennessee shall be holden on the first Mondays of March and September, in each year; and all causes and processes shall be continued over, and be returnable to, the respective terms of said courts as hereby established; and said courts shall be holden at the places now prescribed by law, and exercise all the powers and jurisdiction they now enjoy.

Dist. court for E. Tenn. to be holden on 3d Monday of October.

Dist. court for Middle District Tennessee on 1st Mondays of March and September annually. All causes, &c. continued over, and returnable to said terms.

§ 3. *And be it further enacted*, That from and after the first day of June next the circuit court of the United States for the southern district of Alabama shall commence its terms on the second Monday of March and the fourth Monday of November, in each and every year; and the circuit court for the eastern district of Louisiana shall commence its terms on the first Monday of April and the third Monday of December in each and every year; and all writs, pleas, suits, recognizances, indictments and all other proceedings, civil and criminal, shall be heard, tried and proceeded with by said court, at the times herein fixed, in the same manner as if no change in the times of holding said courts had taken place.

After first June next circuit court for S. dist. Al. shall be holden on 2d Monday of March and 4th Monday of Nov. annually.

Circuit court for E. dist. La. on 1st Monday of April, and 3d Monday of Dec. annually.

Writs, pleas, &c. to be proceeded in as if no change had been made.

§ 4. *And be it further enacted*, That the circuit and district courts of the United States for the district of Michigan, shall be held at Detroit, on the second Monday of October, instead of

Circuit & dist. courts for Mich. shall be held at Detroit, on 2d Monday of Oct.

Writs, pleas, &c. to be proceeded in as if no change had been made.

the first Monday in November, as heretofore established; and that all writs, pleas, suits, recognizances, indictments and all other proceedings, civil and criminal, shall be heard, tried, and proceeded with by the said court, at the times herein fixed, in the same manner as if no change in the times of holding the said court had taken place.

Dist. court for Ark. shall be held at Little Rock on 1st Monday of Oct. annually. Writs, pleas, &c. to be proceeded in as if no change had been made.

§ 5. *And be it further enacted*, That the district court of the United States for the district of Arkansas, shall be held at Little Rock on the first Monday of October, instead of the first Monday in November annually as heretofore established; and that all writs, pleas, suits, recognizances, indictments, and all other proceedings, civil and criminal, shall be heard, tried, and proceeded with by the said court, at the times herein fixed, in the same manner as if no change in the times of holding the said court had taken place.

Circuit court for S. Dist. N. Y. shall be held on last Monday in Nov.

All indictments, informations, suits, &c. depending in said court on 1st Oct. next, shall be proceeded in as if no change had been made.

§ 6. *And be it further enacted*, That the circuit court of the United States for the southern district of New York, shall hereafter be held on the last Monday in November instead of the last Monday in October, the time heretofore established by law; that all indictments, informations, suits or actions, and proceedings of every kind, whether of a civil or criminal nature, depending in the said court, on the first day of October next, shall thereafter have day in court, and be proceeded in, heard, tried, and determined, at the time herein appointed for holding the said court, in the same manner as they might and ought to have been done had the said court been holden at the time heretofore directed by law.

All writs, suits, &c. which are or shall be instituted, &c. shall be returnable to &c. the term held by this act, as if no change had been made.

§ 7. *And be it further enacted*, That all writs, suits, actions or recognizances, or other proceedings which are or shall be instituted, served, commenced, or taken to the said Circuit Court to have been holden as heretofore directed by law, shall be returnable to, entered in, heard, tried, and have day in court, to be holden at the time by this act directed, in the same manner as might and ought to have been done had the said court been holden at the time heretofore directed by law.

Clerk district court S. dist. N. Y. to transmit a certified copy of dockets of all judgments rendered in that or circuit court to clerk supreme court at N. Y.

Reopened act of 1840, c. 30, post p.

§ 8. *And be it further enacted*, That it shall be the duty of the clerk of the district court of the southern district of New York, within six months after the passage of this act, to transmit a certified copy of the dockets of all judgments rendered in that court, or in the circuit court of the United States for that district, since the fourth day of March, eighteen hundred and twenty-nine, to the clerk of the supreme court of said state, in the city of New York; and on the tenth and twenty-fifth days of each month thereafter, to transmit a like certificate of all dockets of judgments as may have been rendered in either of said courts since the last certificate was transmitted.

Clerk N. dist. N. Y. to transmit a certified copy of all judgments rendered & docketed in that court, either as a dist. or circuit court and in circuit court to

§ 9. *And be it further enacted*, That it shall be the duty of the clerk of the northern district of said State within six months after the passage of this act to transmit a certified copy of all judgments rendered and docketed in that court, either as a district court, or as a circuit court, and of all judgments in the circuit

court of the United States for that district, docketed since the fourth day of March, eighteen hundred and twenty-nine to the clerk of the supreme court of said State at Utica; and on the tenth and twenty-fifth days of each month thereafter, to transmit a like certificate of all such dockets of judgments as may have been rendered in either of said courts since the last certificate was transmitted.

Clerk supreme court at Utica.

Repealed. Act of 1840, c. 20, post p.

§ 10. *And be it further enacted*, That every judgment which shall have been rendered either in the district or circuit courts aforesaid, previous to the passage of this act, shall, as against subsequent purchasers or incumbrances, cease to be a lien upon the real estate or chattels real of the person or persons against whom such judgments may have been rendered respectively, at the expiration of five years from the passage of this act; and every judgment to be hereafter rendered in either of said courts, shall, as against subsequent purchasers or incumbrances, cease to be a lien upon the real estate or chattels real of any person or persons against whom each judgment shall be rendered at the expiration of ten years, from and after the day of docketing such judgments respectively. *Approved March 3d, 1839.*

Judgments which have been rendered in said courts shall, against subsequent purchasers or incumbrances, cease to be a lien after 5 years from date of this act, and those hereafter rendered 10 years from day of docketing. Repealed. Act of 1840, c. 20, post p.

CHAP. 356. An act making appropriations for the civil and diplomatic expenses of Government for the year eighteen hundred and thirty-nine.

§ 2. *And be it further enacted*, That from and after the passage of this act, all money paid to any collector of the customs, or to any person acting as such, for unascertained duties or for duties paid under protest against the rate or amount of duties charged, shall be placed to the credit of the Treasurer of the United States, kept and disposed of as all other money paid for duties is required by law, or by regulation of the Treasury Department to be placed to the credit of said Treasurer, kept and disposed of; and shall not be held by the said collector, or person acting as such, to await any ascertainment of duties, or the result of any litigation in relation to the rate or amount of duty legally chargeable and collectable in any case where money is so paid; but whenever it shall be shown to the satisfaction of the Secretary of the Treasury, that in any case of unascertained duties or duties paid under protest more money has been paid to the collector or person acting as such than the law requires should have been paid, it shall be his duty to draw his warrant upon the Treasurer in favor of the person or persons entitled to the over-payment, directing the said Treasurer to refund the same out of any money in the Treasury not otherwise appropriated.

Money paid to collectors or persons acting as such, for unascertained duties, or duties paid under protest against the amount, to be placed to credit of Treasurer U. S. and kept and disposed of as all other money paid for duties.

But whenever it shall be shown to the satisfaction of Sec. Treasury that more money has been paid than the law requires, he shall draw upon the Treasurer, and direct him to refund the same. Act of 1845, c. 190, post.

§ 3. *And be it further enacted*, That no officer in any branch of the public service, or any other person whose salaries, or whose pay or emoluments is or are fixed by law and regulations, shall receive any extra allowance or compensation in any form whatever for the disbursement of public money, or the performance of any other service, unless the said extra allowance or

No person, whose salary, pay or emoluments are fixed by law and regulations, shall receive any extra allowance or compensation unless it be authorized by law.

No executive officer, other than the heads of departments, shall apply more than \$30 annually, out of contingent fund, for newspapers, &c. not necessary for the business of his office.

compensation be authorized by law; nor shall any executive officer, other than the heads of departments, apply more than thirty dollars, annually, out of the contingent fund under his control, to pay for newspapers, pamphlets, periodicals, or other books or prints not necessary for the business of his office.

Approved, March 3d, 1839.

CHAP. 357. An act for the relief of the Brothertown Indians, in the Territory of Wisconsin.

A Certain township of land lying on the east side lake Winnebago, in Wisconsin, may be divided among the individuals of the Brothertown Indians, and held by them separately and severally in fee simple.

§ 1. *Be it enacted, &c.*, That the township of land containing twenty-three thousand and forty acres, lying on the east side of Winnebago lake, in the Territory of Wisconsin, which, by the proviso of a treaty made with the Menomomie Indians on the seventeenth February, eighteen hundred and thirty-one, and ratified on the ninth July 1832, was reserved for the use of the Brotherton or Brothertown Indians, and which by a subsequent treaty with the Menomomie tribe, bearing date 27th October 1832, and ratified 13th March 1833, was further secured to the said Brothertown Indians, may be partitioned and divided among the different individuals composing said tribe of Brothertown Indians, and may be held by them separately and severally in fee simple, after such division shall have been made in the manner hereafter mentioned.

Said division to be made by a board of commissioners.

Board to consist of five of the principal men of said tribe—a majority to be a quorum—the division how to be made.

§ 2. *And be it further enacted*, That, for the purpose of making partition and division of said lands among the individuals of said tribe of Brothertown Indians, a board of commissioners shall be constituted, to consist of five of the principal or head men of said tribe, a majority of whom shall constitute a quorum to do business, whose duty it shall be to make a just and fair partition and division of said lands among the members of said tribe, or among such of them as, by the laws and customs and regulations of said tribe, are entitled to the same, and in such proportions and in such manner as shall be consistent with equity and justice, and in accordance with the existing laws, customs, usages, or agreements of said tribe.

A meeting to be held for the election of said board, when and where—who may vote.

§ 3. *And be it further enacted*, That, for the purpose of electing or choosing said board of commissioners, a meeting of said tribe shall be held at their church, or principal place, on the reservation of land aforesaid, on the first Monday in July next, at which all the male members of said tribe over the age of twenty-one years shall be allowed to vote for such commissioners; and the said five commissioners shall then and there be chosen or elected by the said tribe, by a majority of the whole number of such voters then present. And the judge of the district in which said lands are situated (or in his absence the register of the land office at Green Bay, or the commanding officer of the United States troops at Fort Howard) shall attend at the time and place aforesaid, and preside at said meeting, superintend the said election, and see that the proceedings are fairly conducted: and the said presiding officer may, in his discretion,

The judge of district in which the lands are situated, or in his absence, the register of the land office, or the commanding officer at Fort Howard to attend and preside at said meeting.

prescribe whether the said election shall be by ballot or viva voce; and shall in other respects cause the proceedings to be conducted in such manner as to ensure a fair and proper choice or election; and after the said commissioners shall have been so chosen or elected, the said presiding officer shall immediately certify that fact, setting forth the names of the commissioners who shall be elected, and shall make two copies of said certificate, one of which he shall file in the office of the register of the land district at Green Bay, and the other he shall transmit by mail to the President of the United States.

Duties of the
presiding officer.

§ 4. *And be it further enacted*, That after the said commissioners shall have been elected or chosen as above prescribed, and as soon thereafter as conveniently may be, they shall proceed to make partition and division of all the lands aforesaid among the individual members of said tribe, or among such of them as, by the laws, customs, usages, or agreements of said tribe are justly entitled to the same, and in such way and manner, and upon such principles, and in such proportions as shall be agreeable to equity and justice, and consistent with the laws, usages, customs, and agreements of said tribe: *Provided, however*, That the buildings and improvements, and the farms on which the same are situated, which are now held or possessed in severalty by the members of said tribe, shall, so far as the same can consistently be done, be allotted or apportioned to the present occupants; and that no person or individual of said tribe shall be dispossessed or deprived of the improvements or land which they now occupy, unless it shall be found by the said commissioners that such person or persons are in the possession of and occupying more land than they are justly entitled to, and then the overplus may be apportioned to others.

As soon as convenient after the election, the commissioners shall proceed to make the division,—how.

Proviso.

§ 5. *And be it further enacted*, That after the said commissioners shall have made such partition and division as aforesaid; they shall make, or cause to be made, a full report of their proceedings in the premises, setting forth the name of each person to whom they have apportioned any part of said land, the quantity apportioned or allotted to each, with the metes and bounds, or other definite description of each several piece or parcel of land; and they shall accompany the said report with a fair and accurate map of the whole, showing the divisions and partitions aforesaid; which report and map, or a copy thereof, shall be deposited with the town clerk of said tribe, on or before the first day of October next, and shall remain open for inspection to all, for the space of twenty days thereafter; and if any member or members of said tribe shall object to the partition or division so made by the said commissioners, or shall deem himself or themselves aggrieved thereby, he or they may, within ten days thereafter, give notice thereof to the said commissioners, who shall, within twenty days thereafter, meet to hear and determine such grievances, and take testimony if necessary; and after such hearing, shall have power to alter or

Commissioners after having made the division to report their proceedings &c.

A map to accompany the report.

Report and map to be deposited with the town clerk, and to be open to inspection.

Proceedings to be had if objection is made by any one to the division.

modify such partition, if, in their judgment, any alteration or modification is necessary, in order to do equal and exact justice to all parties in interest.

Commissioners after the report and map are finally completed, to deposit one copy with the Sec. of the Territory, one with the clerk of the county in which the lands are situated, and to send one to the President, whereupon patents shall be issued.

§ 6. *And be it further enacted*, That, after the said report shall be finally completed, the commissioners shall cause of the said report, and of the map accompanying the same, as finally agreed upon and settled, to be made and signed by said commissioners, one copy of which shall be deposited in the office of the secretary of said Territory, one copy in the office of the clerk of the county within which said lands are situated, and the other shall be transmitted to the President of the United States, who shall thereupon cause patents to be issued to the several individuals named in said report, for the lands so apportioned to them respectively, by which the said persons shall be authorized to hold the said lands in fee simple to themselves and their heirs and assigns.

Report and map to be so deposited and transmitted, before 1st Jan. next: after which said Indians shall be citizens of U. S. and be subject to laws of U. S. and Wisconsin; and the jurisdiction of U. S. shall be extended over said township; and said Indians' rights, &c. as a tribe or nation shall cease.

§ 7. *And be it further enacted*, That the said report and map shall be filed with the secretary of said Territory, and in the clerk's office of said county, and shall also be transmitted to the President on or before the first day of January next; and after the same shall have been filed and transmitted to the President, as aforesaid, the said Brothertown Indians, and each and every of them, shall then be deemed to be, and from that time forth are hereby declared to be, citizens of the United States to all intents and purposes, and shall be entitled to all the rights, privileges, and immunities of such citizens, and shall, in all respects, be subject to the laws of the United States and of the Territory of Wisconsin, in the same manner as other citizens of said Territory; and the jurisdiction of the United States and of said Territory shall be extended over the said township or reservation now held by them in the same manner as over other parts of said Territory; and their rights as a tribe or nation, and their power of making or executing their own laws, usages, or customs, as such tribe, shall cease and determine: *Provided, however*, That nothing in this act shall be so construed as to deprive them of the right to any annuity now due to them from the State of New York or the United States, but they shall be entitled to receive any such annuity in the same manner as though this act had not been passed. *Approved, March 3d, 1839.*

Proviso.

Act of 1818, c. 59, vol. 3, p. 1672.

CHAP. 359. An act to amend an act entitled "An act regulating the pay and emoluments of brevet officers," passed April 16th, 1818.

To be so construed as to include the case of the Adj. General U. S.

§ 1. *Be it enacted, &c.*, That from and after the passing of this act, the act entitled "An act regulating the pay and emoluments of brevet officers" approved April sixteenth, eighteen hundred and eighteen, be, and the same shall be, so construed, as to include the case of the Adjutant General of the United States. *Approved, March 3d, 1839.*

CHAP. 360. An act to authorize the construction of a road from Dubuque, in the Territory of Iowa, to the northern boundary of the state of Missouri, and for other purposes.

§ 1. *Be it enacted, &c.*, That the sum of twenty thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to the opening and construction of a road in the Territory of Iowa, from Dubuque, on the river Mississippi, to such point in the northern boundary of the State of Missouri as may be best suited for its future extension by that State to the cities of Jefferson and St. Louis, within the same; that the Secretary of War be empowered and directed to cause such road to be constructed by contract or otherwise: *Provided*, That the said road shall be opened throughout, and so far completed as to be capable of use, without exceeding in cost the sum hereby appropriated; and in laying down the route thereof respect be paid, so far as the same may be practicable, without greatly increasing the length thereof, to the accommodation of the seats of justice of the several counties in Iowa through which it may pass, and to the best sites for bridges or ferries over the several rivers which the said road must cross.

\$20,000 appropriated for opening and constructing a road from Dubuque to a certain point on the northern boundary of Missouri.

Provide.

§ 2. *And be it further enacted*, That the Secretary of War be, and he is hereby, empowered to cause a survey of Red Cedar river, within the said Territory, and an estimate to be made, with a view to the improvement of the navigation thereof above the town of Moscow, and the connexion of the said navigation with the river Mississippi by a canal, extending from the vicinity of said town to some suitable point in or near the town of Bloomington; and to defray the expense of said survey and estimate, the sum of fifteen hundred dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

Sec. War to cause a survey of Red Cedar river, within the territory of Iowa, and an estimate to be made.

\$1500 appropriated.

§ 3. *And be it further enacted*, That the following sums are hereby appropriated to several objects respectively, which are hereinafter described:

For the opening and construction of a road from Burlington through the counties of Des Moines, Henry and Van Buren, towards the seat of Indian agency on the river Des Moines, five thousand dollars;

For opening and constructing a road from Burlington through certain counties, \$5000.

For the improvement of the road from Burlington, in the Territory of Iowa, to De Hagues, in Illinois, the sum of twenty-five hundred dollars, in aid of a like sum contributed towards the same object by the town of Burlington. *Approved, March 3d, 1839.*

For improving the road from Burlington in Iowa, to De Hagues in Ill. \$2500.

CHAP. 361. An act providing for the erection of a fire-proof building for the use of the General Post Office Department.

§ 1. *Be it enacted, &c.*, That the President of the United States be, and he hereby is, authorized to cause to be erected a fire-proof building, of such dimensions and upon such plan of ar-

President to cause a fire-proof building to be erected on the site of the burned

Post Office, for the use and accommodation of the General Post Office recently destroyed by fire; and, for this purpose,

Authorized to employ a skilful architect.

range ment as may be required for the use and accommodation of the General Post Office Department, on the site of the Post Office building recently destroyed by fire; and, for this purpose, that he be authorized to appoint a skilful architect to prepare and submit to him the necessary plans for the proper construction of such building, which being approved by him shall be conformed to in the erection of the structure; and the said architect may be continued in the superintendence of the construction of the building, or another employed in that service; as the President may deem best. *Provided*, that not more than one architect shall be kept in the employment of the Government at Washington.

Proviso.

The material to be such as the President may direct—how to be laid, &c.

§ 2. *And be it further enacted*, That the principal material of which the exterior walls of such building shall be constructed shall be such as the President of the United States shall direct, and shall be jointed, and laid in regular courses, in the most approved mode of such construction.

\$150,000 appropriated.

§ 3. *And be it further enacted*, That, for the erection of the building authorized by the first section of this act, there be, and hereby is, appropriated, the sum of one hundred and fifty thousand dollars, out of any money in the Treasury not otherwise appropriated by law. *Approved, March 3d, 1839.*

CHAP. 362. An act in addition to "An act to promote the progress of the useful arts."

Act of 1836, c. 367, vol. 4, p. 2504.

Two assistant examiners to be appointed—how their salaries.

§ 1. *Be it enacted, &c.*, That there shall be appointed, in manner provided in the second section of the act to which this is additional two assistant examiners, each to receive an annual salary of twelve hundred and fifty dollars.

Temporary clerks may be employed.

Proviso.

§ 2. *And be it further enacted*, That the Commissioner be authorized to employ temporary clerks to do any necessary transcribing whenever the current business of the office requires it; *Provided, however*, That instead of salary, a compensation shall be allowed, at a rate not greater than is charged for copies now furnished by the office.

Classified and alphabetical list of patents to be published.

100 copies to be retained in Patent Office, and 900 deposited in Congress library.

\$1000 appropriated.

§ 3. *And be it further enacted*, That the Commissioner is hereby authorized to publish a classified and alphabetical list of all patents granted by the Patent Office previous to said publication, and retain one hundred copies for the Patent Office and nine hundred copies to be deposited in the library of Congress, for such distribution as may be hereafter directed; and that one thousand dollars, if necessary, be appropriated, out of the patent fund, to defray the expense of the same.

\$3,650 25 appropriated to pay for use of rooms in City Hall.

§ 4. *And be it further enacted*, That the sum of three thousand and six hundred and fifty nine dollars, and twenty-two cents be and is hereby, appropriated from the patent fund, to pay for the use and occupation of rooms in the City Hall by the Patent Office.

§ 5. *And be it further enacted*, That the sum of one thousand dollars be appropriated from the patent fund, to be expend-

ed under the direction of the Commissioner, for the purchase of necessary books for the library of the Patent Office.

\$1000 appropriated for the purchase of books.

§ 6. *And be it further enacted*, That no person shall be debarred from receiving a patent for any invention or discovery, as provided in the act approved on the fourth day of July, one thousand eight hundred and thirty-six, to which this is additional, by reason of the same having been patented in a foreign country more than six months prior to his application: *Provided*, That the same shall not have been introduced into public and common use, in the United States, prior to the application for such patent: *And provided also*, That in all cases every such patent shall be limited to the term of fourteen years from the date of publication of such foreign letters patent.

No person to be debarred from receiving a patent for any invention or discovery, by reason of the same having been patented in a foreign country more than six months prior to his application. *Provided*.

Provided.

§ 7. *And be it further enacted*, That every person or corporation who has, or shall have, purchased or constructed any newly invented machine, manufacture, or composition of matter, prior to the application by the inventor or discoverer for a patent shall be held to possess the right to use, and vend to others to be used, the specific machine, manufacture or composition of matter so made or purchased, without liability therefor to the inventor, or any other person interested in such invention; and no patent shall be held to be invalid by reason of such purchase, sale, or use prior to the application for a patent as aforesaid, except on proof of abandonment of such invention to the public; or that such purchase, sale, or prior use has been for more than two years prior to such application for a patent.

Persons or corporations, having purchased or constructed any newly invented machine, &c. prior to the application of the inventor or discoverer for a patent shall possess the right to use, or vend the same—patents not valid by reason of such purchase, &c. except, &c.

§ 8. *And be it further enacted*, That so much of the eleventh section of the above recited act as requires the payment of three dollars to the Commissioner of Patents for recording any assignment, grant, or conveyance of the whole or any part of the interest or right under any patent, be and the same is hereby, repealed; and all such assignments, grants, and conveyances shall, in future, be recorded without any charge whatever.

So much 11th sec. act 4th July 1836, as requires payment for recording assignments, repealed. *Assignments, &c. to be recorded without any charge.*

§ 9. *And be it further enacted*, That a sum of money not exceeding one thousand dollars, be, and the same is hereby appropriated, out of the patent fund, to be expended by the Commissioner of Patents, in the collection of agricultural statistics, and for other agricultural purposes; for which the said Commissioner shall account in his next annual report.

\$1000 appropriated for the collection of agricultural statistics, and other agricultural purposes.

§ 10. *And be it further enacted*, That the provisions of the sixteenth section of the before recited act shall extend to all cases where patents are refused for any reason whatever, either by the Commissioner of Patents or by the chief justice of the District of Columbia, upon appeals from the decision of said Commissioner, as well as where the same shall have been refused on account of, or by reason of interference with a previously existing patent; and in all cases where there is no opposing party, a copy of the bill shall be served upon the Commissioner of Patents, when the whole of the expenses of the proceeding shall be paid by the applicant, whether the final decision shall be in his favor or otherwise.

Provisions 16th sec. act 4th July 1836, extended to all cases where patents are refused for any reason whatever, either by Com. of Patents or by chief justice D. C. &c.

In cases of appeal from decision of Com. to board of examiners authorized by 7th section, act 4th July, 1833, the parties may appeal to chief justice of district court U. S. for D. C. &c. how.

Chief justice to hear and determine such appeals, &c. how.

Com. to notify the parties to lay before the judge all the original papers and evidence, and the grounds for his decision.

Com. and examiners of Pat. Office may be examined under oath, &c.

Judge to return the papers, with a certificate of his proceedings and decision—said decision to govern the Com.

Provido.

Commissioner may make regulations respecting evidence in contested cases. That part act 4th July, 1836, relative to a board of examiners, repealed.

Chief justice to be paid \$100 annually.

§ 11. *And be it further enacted*, That in all cases where an appeal is now allowed by law from the decision of the Commissioner of Patents to a board of examiners provided for in the seventh section of the act to which this is additional, the party, instead thereof, shall have a right to appeal to the chief justice of the district court of the United States for the District of Columbia, by giving notice thereof to the Commissioner, and filing in the Patent office, within such time as the Commissioner shall appoint, his reasons of appeal, specifically set forth in writing, and also paying into the Patent Office, to the credit of the patent fund, the sum of twenty-five dollars. And it shall be the duty of said chief justice, on petition, to hear and determine all such appeals, and to revise such decisions in a summary way, on the evidence produced before the Commissioner, at such early and convenient time as he may appoint, first notifying the Commissioner of the time and place of hearing, whose duty it shall be to give notice thereof to all parties who appear to be interested therein, in such manner as said judge shall prescribe. The Commissioner shall also lay before the said judge all the original papers and evidence in the case, together with the grounds of his decision, fully set forth in writing, touching all the points involved by the reasons of appeal, to which the revision shall be confined. And at the request of any party interested, or at the desire of the judge, the Commissioner and the examiners in the Patent Office may be examined under oath, in explanation of the principles of the machine or other thing for which a patent, in such case, is prayed for. And it shall be the duty of said judge, after a hearing of any such case, to return all the papers to the Commissioner, with a certificate of his proceedings and decision, which shall be entered of record in the Patent Office; and such decision so certified shall govern the further proceedings of the Commissioner in such case; *Provided, however*, That no opinion or decision of the judge in any such case, shall preclude any person interested in favor or against the validity of any patent which has been or may hereafter, be granted, from the right to contest the same in any judicial court, in any action in which its validity may come in question.

§ 12. *And be it further enacted*, That the Commissioner of Patents shall have power to make all such regulations in respect to the taking of evidence to be used in contested cases before him, as may be just and reasonable. And so much of the act to which this is additional, as provides for a board of examiners, is hereby repealed.

§ 13. *And be it further enacted*, That there be paid annually, out of the patent fund, to the said chief justice, in consideration of the duties herein imposed, the sum of one hundred dollars. *Approved, March 3d, 1839.*

CHAP. 363. An act giving to the President of the United States additional powers for the defence of the United States, in certain cases, against invasion, and for other purposes.

§ 1. *Be it enacted, &c.*, That the President of the United

States be, and he hereby is, authorized to resist any attempt on the part of Great Britain, to enforce, by arms, her claim to exclusive jurisdiction over that part of the State of Maine which is in dispute between the United States and Great Britain; and, for that purpose, to employ the naval and military forces of the United States, and such portions of the militia as he may deem it advisable to call into service.

President authorized to resist any attempt of Great Britain to enforce her claim to exclusive jurisdiction over the disputed territory.

Naval and military forces, and militia placed at his disposal.

Militia, when called into service U. S. may be compelled to serve not exceeding six months after arrival at the place of rendezvous in any one year.

§ 2. *And be it further enacted*, That the militia when called into the service of the United States by virtue of this act, or of the act entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, repel invasions, and to repeal the act now in force for these purposes," may, if in the opinion of the President of the United States the public interest require it, be compelled to serve for a term not exceeding six months after the arrival at the place of rendezvous, in any one year unless sooner discharged.

§ 3. *And be it further enacted*, That in the event of actual invasion of the territory of the United States by any foreign power, or if imminent danger of such invasion discovered, in his opinion, to exist before Congress can be convened to act upon the subject, the President be and he is hereby, authorized, if he deem the same expedient, to accept the services of any number of volunteers not exceeding fifty thousand, in the manner provided for by an act entitled "An act authorizing the President of the United States to accept the service of volunteers and to raise an additional regiment of dragoons or mounted riflemen, approved May twenty-third eighteen hundred and thirty-six."

In event of actual invasion, or of imminent danger of invasion, before Congress can be convened, the President authorized to accept the services of not exceeding 50,000 volunteers in the manner provided by act 23d May, 1836.

§ 4. *And be it further enacted*, That in the event of either of the contingencies provided for in this act the President of the United States shall be authorized to complete the public armed vessels now authorized by law, and to equip, man, and employ, in actual service, all the naval force of the United States, and to build, purchase, or charter, arm, equip, and man, such vessels and steamboats on the northern lakes and rivers, whose waters communicate with the United States and Great Britain as he shall deem necessary to protect the United States from invasion from that quarter.

In the event of either of the contingencies provided for in this act, the President authorized to complete the public armed vessels now authorized by law &c.

§ 5. *And be it further enacted*, That the sum of ten millions of dollars is hereby appropriated, and placed at his disposal for the purpose of executing the provisions of this act; to provide for which the Secretary of the Treasury is authorized to borrow money on the credit of the United States, and to cause to be issued certificates of stock signed by the Register of the Treasury for the sum to be borrowed, or any part thereof; and the same to be sold upon the best terms that may be offered after public notice for proposals for the same: *Provided*, That no engagement or contract shall be entered into which shall preclude the United States from reimbursing any sum or sums thus borrowed after the expiration of five years from the first of January next;

\$10,000,000 appropriated; to provide for which Sec. Treas. is authorized to borrow money on the credit of the U. S. &c.

Proviso.

and that the rate of interest shall not exceed five per cent. payable semi-annually.

\$12,000 appropriated for outfit and salary of a special minister to Great Britain. *Provided,*

§ 6. *And be it further enacted,* That the sum of eighteen thousand dollars be, and the same is hereby, appropriated out of any money in the Treasury, not otherwise appropriated, for outfit and salary of a special minister to Great Britain: *Provided,* The President of the United States shall deem it expedient to appoint the same.

In the event of either of the contingencies provided for in 1st and 3d sections, President authorized to apply \$1,000,000 to repairing or arming fortifications on seaboard and frontier.

§ 7. *And be it further enacted,* That in the event of either of the contingencies provided for in the first and third sections of this act, the President of the United States shall be authorized to apply a part not exceeding one million of dollars of the appropriation made in this act to repairing or arming fortifications along the seaboard and frontier.

Militia or volunteers whenever called into service U. S. shall have the organization of the army and receive same pay and allowances.

§ 8. *And be it further enacted,* That whenever militia or volunteers are called into the service of the United States they shall have the organization of the army of the United States, and shall receive the same pay and allowances.

This act to continue in force until 60 days after 1st session next Congress.

§ 9. *And be it further enacted,* That the several provisions of this act shall be in force until the end of sixty days after the meeting of the first session of the next Congress and no longer. *Approved, March 3d, 1839.*

CHAP. 364. An act to alter and amend the organic law of the Territories of Wisconsin and Iowa.

Every bill passed by Council and House Reps. of Iowa and Wisconsin, before becoming a law, to be approved by Governor—if not approved to be returned with his objections to the House in which it originated there to be entered on the journal and reconsidered &c.

§ 1. *Be it enacted, &c.,* That every bill which shall have passed the Council and House of Representatives of the Territories of Iowa and Wisconsin shall, before it become a law, be presented to the Governor of the Territory; if he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered; and if approved by two-thirds of that House it shall become a law. But, in all such cases, the votes of both Houses shall be determined by yeas and nays; and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Assembly by adjournment prevent its return, in which case it shall not be a law.

Bills not returned within three days (Sundays excepted) unless the Assembly prevent it by adjournment, to be laws.

This act not to deprive Congress of the right to disapprove of laws passed by said Assembly, &c.

§ 2. *And be it further enacted,* That this act shall not be so construed as to deprive Congress of the right to disapprove of any law passed by the said Legislative Assembly, or in any way to impair or alter the power of Congress over laws passed by said Assembly. *Approved, March 3d, 1839.*

CHAP. 365. An act to define and establish the eastern boundary line of the Territory of Iowa.

§ 1. *Be it enacted, &c.*, That the middle or centre of the main channel of the river Mississippi shall be deemed, and is hereby declared, to be the eastern boundary line of the Territory of Iowa, so far or to such extent as the said Territory is bounded eastwardly by or upon said river: *Provided, however*, That the said Territory of Iowa shall have concurrent jurisdiction upon the said Mississippi river with any other conterminous State or Territory so far or to such extent as the said river shall form a common boundary between the aforesaid Territory of Iowa and any other such conterminous State or Territory. *Approved, March 3d, 1839.*

The middle of the main channel of the Mississippi to be the eastern boundary of Iowa, so far as said Territory is bounded eastwardly by said river. *Proviso.*

CHAP. 366. An act to authorize the election or appointment of certain officers in the Territory of Iowa, and for other purposes.

§ 1. *Be it enacted, &c.* That the Legislative Assembly of the Territory of Iowa shall be, and are hereby authorized to provide by law for the election or appointment of sheriffs, judges of probate, justices of the peace, and county surveyors, within the said Territory, in such way or manner, and at such times and places as to them may seem proper; and after a law shall have been passed by the Legislative Assembly for that purpose, all elections or appointments of the above named officers thereafter to be had or made shall be in pursuance of such law.

Legislative Assembly of Iowa authorized to provide by law for the election or appointment of sheriffs, &c.

After the passage of a law the elections or appointments shall be made in pursuance thereof.

§ 2. *And be it further enacted*, That the term of service of the present Delegate for said Territory of Iowa shall expire on the twenty-seventh day of October, eighteen hundred and forty; and the qualified electors of said Territory may elect a Delegate to serve from the said twenty-seventh day of October to the fourth day of March thereafter, at such time and place as shall be prescribed by law by the Legislative Assembly, and thereafter a Delegate shall be elected, at such time and place as the Legislative Assembly may direct, to serve for a Congress, as members of the House of Representatives are now elected. *Approved, March 3d, 1839.*

Term of present Delegate for Iowa shall expire 27th Oct. 1840.

The qualified electors may elect a Delegate to serve from said 27th Oct. to 4th March thereafter.

After which a Delegate to be elected as Legislative Assembly may direct.

CHAP. 367. An act making appropriations for the naval service for the year one thousand eight hundred and thirty-nine.

§ 2. *And be it further enacted*, That, it shall be the duty of the Secretary of the Navy, under the direction of the President, to make preparations for, and to commence, the construction of three steam vessels of war, on such models as shall be most approved, according to the best advices they can obtain, or to complete the construction of one such vessel of war, upon a model so approved, as in the opinion of the President shall be best for the public interest, and most conformable to the demands of the public service and that to enable the Department to carry into effect this requirement, a part of the sum already appropriated

Sec. Navy under direction of Pres. to make preparations for, and to commence the construction of three steam vessels of war, or to complete the construction of one, as in the opinion of the President shall be best for the public interest, and most conformable to the demands of the public service.

\$330,000 appropriated in addition to any material now on hand, applicable to the construction of said steam vessels.

ted for the gradual improvement of the navy, equal to the sum of three hundred and thirty thousand dollars, shall be, and is hereby directed to be subject to the disposition of the Department for this object, in case that amount can be diverted from that appropriation without a violation of existing contracts, and if that cannot be done consistently with the rights of contractors and the public interests, then so much of the said sum of three hundred and thirty thousand dollars as can be so diverted to this object, from the appropriation referred to, shall be subject to the disposition of the Secretary of the Navy for this purpose, and the residue of the said sum of three hundred and thirty thousand dollars shall be, and the same is hereby, appropriated, and shall be paid, out of any money in the Treasury not otherwise appropriated: and the said sum of three hundred and thirty thousand dollars, to be expended in the manner in this section prescribed, shall be in addition to any materials now on hand, applicable to the construction of the said steam vessels of war. *Approved, March 3d, 1839.*

CHAP. 500. An act to provide for the erection of a new jail in the city of Washington, District of Columbia.

President to cause a new jail to be erected for Washington co. D. C. on such site as he may select. 31,000 appropriated.

Provided.

§ 1. *Be it enacted, &c.,* That the President of the United States be, and he is hereby, authorized and required to cause a new jail to be erected for the county of Washington, in the District of Columbia, on such site as he may select; and that, for the purpose of carrying this act into effect, the sum of thirty-one thousand dollars be, and is hereby, appropriated out of any money in the Treasury not otherwise appropriated: *Provided always,* That the said jail shall be built by contract, under the superintendence of the architect of public buildings, and that the cost shall in no event exceed the said sum of thirty-one thousand dollars. *Approved, March 3d, 1839.*

CHAP. 503. An act to extend the jurisdiction of the corporation of the city of Washington over the Potomac bridge.

Bounds of Washington county and corporation Washington city, extended over the Potomac bridge. Said corporation empowered to adopt and enforce rules and regulations.

§ 1. *Be it enacted &c.,* That the bounds of the county of Washington, and of the corporation of the city of Washington, be, and the same are hereby, extended so far as to comprehend the causeway and bridge lately constructed from the said city across the river Potomac, to the opposite shore: and the said corporation are hereby empowered to adopt and enforce such rules and regulations as they may deem necessary for the safety and security of property and of the persons passing the said causeway and bridge. *Approved, March 3d, 1839.*

RESOLUTIONS.

[No. 1.] Resolution authorizing an examination and payment of the claims of the workmen upon the public buildings.

§ 1. *Be it enacted by the Senate and House of Representa-*

lives of the United States of America in Congress assembled,

That the commissioners appointed by the President of the United States to superintend the prosecution of the work in the construction of the new Treasury building, be, and they are hereby, authorized to examine the claims of the workmen to indemnity for the loss of their time during the suspension of the work upon said building, by order of the President of the United States, pending the question before Congress upon the bill reported by the Committee on Public Buildings, providing "for the removal of the walls of the Treasury building, and for the erection of a fire-proof building for the Post Office Department;" and that the said commissioners allow to such of said workmen, respectively, as were suspended from labor, during the pendency of said bill, with the encouragement and under an authorized assurance that, upon the decision thereof, their labor would again be required by the Government, and who, intermediately, had no opportunity of obtaining employment in the city of Washington, such reasonable indemnity for loss of wages for labor, during the suspension of the work as, under the circumstances of their respective cases, justice and equity may require, not exceeding, however in any case, the average rate of the earnings of said workmen in the employment of the Government for a like preceding period of time.

The comrs. appointed by the Pres. to superintend the construction of the new Treasury building shall examine the claims of the workmen to indemnity for the loss of their time during the suspension of the work and allow such of them as were suspended and had no opportunity of obtaining employment, such reasonable indemnity as justice and equity may require, not exceeding the average rate of their earnings.

§ 2. *And be it further resolved,* That the Commissioner of Public buildings be, and he hereby is, authorized to pay to the workmen respectively such sums of money as the commissioners aforesaid shall allow and certify pursuant to the foregoing resolution out of any money in his hands appropriated by law to the construction of the new Treasury building. *Approved, January 18th, 1839.*

Comr. of Pub. buildings to pay such sums as the comrs. aforesaid shall allow.

[No. 2.] A resolution for the purchase of the island at the confluence of the St. Peters and Mississippi rivers.

Resolved, &c. That the Secretary of War be, and he is hereby, authorized to contract with J. B. and J. Ferribault, for the purchase of the island at the confluence of the St. Peters and Mississippi rivers, and to report his proceedings to Congress, subject to their approbation or rejection. *Approved, February 13th, 1839.*

Sec. War to contract with J. B. & J. Ferribault, for said purchase, and report to Congress, subject to their approval.

[No. 3.] A resolution directing the manner in which certain laws of the District of Columbia shall be executed.

Resolved, &c., That the acts of the State of Maryland for securing titles to vacant land, which were continued in force by the act of Congress of the twenty-seventh of February eighteen hundred and one, in that part of the District of Columbia which was ceded to the United States by that State, and which have heretofore been inoperative for the want of appropriate officers or authority in the said District for their due execu-

The acts of Maryland for securing titles to vacant land, continued in force by act of Congress of Feb. 27th, 1801. In that part of D. C. ceded by Md. shall be executed, as regards lands in Washington Co.,

and without the city limits, by the Secretary of the Treasury, through the General Land Office—manner in which they shall be executed.

tion, shall hereafter be executed, as regards lands in the county of Washington and without the limits of the city of Washington, by the Secretary of the Treasury through the General Land Office, where applications shall be made for warrants, which warrants shall be directed to the surveyor for the county of Washington; who shall make return to the Commissioner of the General Land Office; and payment for said land, according to the said laws of Maryland, shall be made to the Treasurer of the United States, whose certificate of such payment shall be presented to the Commissioner of the General Land Office, who shall thereupon issue in the usual form of patents for lands by the United States, a patent for such land to the person entitled thereto; and the Secretary of the Treasury shall make such regulations as he may deem necessary, and shall designate the officers who shall carry the said acts into effect: *Provided*, That any land which may have been ceded to, or acquired by the United States for public purposes shall not be affected by such acts. *Approved, February 16th, 1839.*

Provided.

[No. 4.] A resolution authorizing certain certificates of deposit to be cancelled and reissued.

Preamble.

Whereas sundry persons have deposited sums of money in the Treasury of the United States, under the provisions of the second section of the act making further provision for the sale of the public lands, approved twenty-fourth of April, eighteen hundred and twenty, and received certificates therefor, and supposing the same to be assignable, have assigned the same, for a valuable consideration, to other persons; and whereas the said section is so construed by the Treasury Department, that such receipts or certificates are not available to the assignees; be it therefore,

Resolved, &c., That the Treasurer of the United States be, and he is hereby authorized and required, on the presentation of any such certificate by an assignee or bona fide holder thereof, to allow said assignee or holder to surrender the same to be cancelled, and to issue a new certificate in the name of said assignee or holder, in lieu of the one so surrendered; which new certificate shall be received in payment for public lands, in the same manner as the original would have been had it not been transferred by the person who made the deposit; but the certificates to be issued under this resolution shall not be assignable. *Approved, February 28th, 1839.*

Act of 1830, c. 40, vol. 3, p. 1774.

Treas. U. S. on presentation of said certificates by assignees or bona fide holders, to allow them to surrender the same to be cancelled, and to issue new ones in their names, which new certificates shall be receivable for lands, but not assignable.

[No. 9.] A resolution to authorize the purchase of an island in the river Delaware, called the Pea Patch, and for other purposes.

Sec. War to take measures to try the title of U. S. to Pea Patch Island—how.

Resolved, &c. That the Secretary of War be, and he is hereby authorized and required to take all necessary measures to try the title of the United States to the island in the Delaware commonly called the Pea Patch, by submitting all the questions grow-

ing out of the conflicting claims of the United States and the individual claimants, to the courts of law ; and if it shall appear to the satisfaction of the said Secretary, that the title is not vested in the United States, and that the possession thereof is indispensable to the public interests, he is hereby authorized to purchase the same from the legal owner or owners thereof, either by apprisament or such other manner as he may deem most expedient ; subject to the approval of Congress. *Approved, March 3d, 1839.*

And if it shall appear to his satisfaction that it is not vested in U. S. and that its possession is indispensable to the public interests, he is authorized to purchase—how.

ACTS OF THE TWENTY-SIXTH CONGRESS

OF

THE UNITED STATES;

Passed at the First Session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the second day of December, one thousand eight hundred and thirty-nine.

MARTIN VAN BUREN, President. RICHARD M. JOHNSON, Vice President, and President of the Senate. ROBERT M. T. HUNTER, Speaker of the House of Representatives.

CHAP. 3. An act to amend the act "to provide for taking the sixth census or enumeration of the inhabitants of the United States," approved March third, eighteen hundred and thirty-nine.

Act of 1839, c. 354, ante, p. 2764.

The enumeration shall commence 1st June, 1840, and be completed within five months.

The assistants shall, within five months, deliver to the marshals two copies of the returns.

The marshals shall, on or before 1st Dec. 1840, transmit one copy to the Sec. of State.

§ 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the enumeration shall commence on the first day of June, in the year eighteen hundred and forty, and shall be completed and closed within five calendar months thereafter. The several assistants shall within five months, and on or before the first day of November, eighteen hundred and forty, deliver to the marshals, by whom they shall be appointed, two copies of the returns of the enumeration and statistical tables, and the marshals respectively, shall, on or before the first day of December, in the year eighteen hundred and forty, transmit to the Secretary of State, one copy of the several returns and statistical tables, and also the aggregate amount of each description of persons within their respective districts or territories, and an aggregate also of the statistical information obtained within said districts.

The mode of returning transient persons.

§ 2. *And be it further enacted,* That in the enumeration of transient persons, the name of every person who shall be an inhabitant of any district or territory without a settled place of residence, shall be inserted in the column of the schedule which is allotted for the heads of families in the division where he or she shall be on the said first day of June, eighteen hundred and forty.

Compensation of the marshal of Missouri.

§ 3. *And be it further enacted,* That the compensation of the marshal of Missouri shall be three hundred dollars.

§ 4. *And be it further enacted,* That in lieu of the five dol-

lars here provided as compensation to the assistant for each of the two correct copies of the schedules containing the number of inhabitants within his division to be set up in two of the most public places within the same, that there be allowed for said copies, and each assistant shall be entitled to receive, at the rate of five dollars for ten sheets, or in that proportion for a less number, and at the rate of thirty cents for every sheet over ten in the copy of the return. And in all cases, where the assistants to the marshals shall have performed the duties and made the returns required by the thirteenth section of the act for taking the sixth census, they shall be allowed therefor a sum equal to twenty per centum on the allowance made to them respectively, for the enumeration.

Compensation to assistants for the two copies of the schedules required to be set up in their divisions,

Allowance to assistants for performing the duties and making the returns required by the 13th Sec. of the act for taking the sixth census.

§ 5. *And be it further enacted*, That the copies of returns and aggregate amounts, directed to be filed by the marshals with the clerks of the several District Courts and Supreme Courts of the Territories of the United States, shall be preserved by said clerks and remain in their offices respectively, and so much of the act to which this is an amendment as requires that they shall be transmitted by said clerks to the Department of State is hereby repealed.

The copies of returns and aggregate amounts directed to be filed with the clerks of the District and Supreme Courts shall be preserved in said Courts.

§ 6. *And be it further enacted*, That it shall be the duty of the Secretary of State to cause to be noted all the clerical errors in the returns of the marshals and assistants, whether in the additions, classification of inhabitants or otherwise, and to direct to be printed in the manner provided for in the act to which this is an amendment the corrected aggregate returns only.

All clerical errors in the returns to be noted, and the corrected aggregate returns, only printed.

§ 7. *And be it further enacted*, That so much of the thirteenth section of the act of the third of March, one thousand eight hundred and twenty-five, as restricts the weight of packages by mail, shall not apply to the transmission of papers relating to the census or enumeration of the inhabitants of the United States, and upon the transmission of said papers by the mail, between the marshals and their assistants, it shall be lawful for the postmasters to charge periodical pamphlet postage only.

Restrictions as to the weight of packages by mail, not applicable to papers relative to the census.

Postage.

§ 8. *And be it further enacted*, That it shall be lawful for the marshal of any district, to take part in the enumeration of a portion of his district, and upon his so doing he shall have the benefit of the compensation allotted therefor, as if it had been done by an assistant.

Lawful for marshals to take part in the enumeration of their districts.

§ 9. *And be it further enacted*, That the compensation of the respective persons who are employed by the Secretary of State in executing the provisions of this act, shall be, fifteen hundred dollars to the superintending clerk, per annum; to the recording clerk eight hundred dollars per annum; to an assistant clerk, six hundred and fifty dollars per annum; and to the packer and folder, six hundred and fifty dollars per annum; and the said salaries shall commence from the date of their being so employed, and that of the persons to be employed, to examine and correct the returns from the marshals and their assistants, at the same rates as were paid for the like services rendered under the

Compensation of persons employed by the Sec. of State in executing the provisions of this act.

Salaries to commence from the date of their being employed.

act for taking the fifth census, to be paid out of any money appropriated for carrying into effect the act for taking the sixth census or enumeration of the inhabitants of the United States.

Acts and parts of acts inconsistent with this act repealed.

§ 10. *And be it further enacted*, That all acts and parts of acts whose provisions are inconsistent with the enactments of this amendatory act, are hereby repealed. *Approved, February 26th, 1840.*

CHAP. 4. An act to continue the office of Commissioner of Pensions, and to transfer the pension business, heretofore transacted in the Navy Department, to that office.

The office of Com. Pensions continued until 4th March, 1843.

§ 1. *Be it enacted, &c.*, That the office of Commissioner of Pensions shall be and the same is hereby continued, until the fourth day of March, eighteen hundred and forty-three.

A Com. to be appointed. How. His duties.

§ 2. *And be it further enacted*. That a Commissioner of Pensions shall be appointed by the President of the United States, by and with the advice and consent of the Senate; and that he shall execute, under the direction of the Secretary of War and the Secretary of the Navy, such duties in relation to the various pension laws as may be prescribed by the President.

And salary. The franking privilege extended to him.

§ 3. *And be it further enacted*, That the said Commissioner shall receive an annual salary of two thousand five hundred dollars, and shall have the privilege of sending and receiving letters and packets by mail free of postage.

The pension business transacted in the Navy Department transferred to the office of Com. Pensions, etc.

§ 4. *And be it further enacted*, That the pension business heretofore transacted in the Navy Department, shall be transferred to the office of the Commissioner of Pensions, and that the clerk now employed in that business be also transferred to that office. *Approved, March 4th, 1840.*

Act of 1837, c. 2, Ante, p. 2637.

CHAP. 5. An act additional to the act on the subject of Treasury Notes.

The regulations and provisions of the act of the 12th of Oct., 1837, and the acts in addition thereto, renewed, excepting the limitations as to the times and amounts.

§ 1. *Be it enacted, &c.*, That the regulations and provisions contained in the act passed the twelfth day of October, in the year one thousand eight hundred and thirty-seven, entitled "An act to authorize the issuing of Treasury Notes," and in the subsequent acts in addition thereto, be, and the same are hereby, renewed, and made in full force, excepting the limitations concerning the times within which such notes may be issued, and restricting the amount thereof as hereafter provided.

Treasury notes may be issued in lieu of others redeemed, to an amount not exceeding \$5,000,000 at any one time outstanding to be redeemed, when and how.

§ 2. *And be it further enacted*, That under the regulations and provisions contained in said act, Treasury Notes may be issued in lieu of others hereafter or heretofore redeemed, but not to exceed in the amount of notes outstanding at any one time, the aggregate of five millions of dollars, and to be redeemed sooner than one year, if the means of the Treasury will permit, by giving notice sixty days of those notes, which the Department is ready to redeem, no interest to be allowed thereon after the expiration of said sixty days.

§ 3. *And be it further enacted*, That this act shall continue

in force for one year and no longer. *Approved, March 31st, 1840.*

CHAP. 6. An act to cancel the bonds given to secure duties upon vessels and their cargoes, employed in the Whale Fishery, and to make registers, lawful papers for such vessels.

§ 1. *Be it enacted, &c.,* That all vessels which have cleared, or hereafter may clear, with registers for the purpose of engaging in the Whale fishery, shall be deemed to have lawful and sufficient papers for such voyages, securing the privileges and rights of registered vessels, and the privileges and exemptions of vessels enrolled and licensed for the fisheries; and all vessels which have been enrolled and licensed for like voyages shall have the same privileges and measure of protection as if they had sailed with registers if such voyages are completed or until they are completed.

Registers shall be lawful and sufficient papers for all vessels which have cleared, or may clear, for the purpose of engaging in the whale fishery.

§ 2. *And be it further enacted,* That all the provisions of the first section of the act entitled "An act supplementary to the act concerning consuls and vice-consuls, and for the further protection of American seamen," passed on the twenty-eighth day of February, Anno Domini eighteen hundred and three, shall hereafter apply and be in full force as to vessels engaged in the Whale fishery in the same manner and to the same extent as the same is now in force and applies to vessels bound on a foreign voyage.

The provisions of the first section of the act of the 28th of Feb., 1803, extended to vessels engaged in the whale fishery.

Act. of 1803, c. 62, vol. 2, p. 663.

§ 3. *And be it further enacted,* That all forfeitures, fees, duties and charges of every description required of the crews of such vessels, or assessed upon the vessels or cargoes, being the produce of such fishery, because of a supposed insufficiency of a register to exempt them from such claims, are hereby remitted; and all bonds given for such cause are hereby cancelled, and the Secretary of the Treasury is hereby required to refund all such moneys as have been, or which may be, paid into the Treasury, to the rightful claimants, out of the revenues in his hands.

All forfeitures, required because of a supposed insufficiency of a register remitted; bonds cancelled, and Secretary of Treasury required to refund moneys.

Approved, April 4th, 1840.

CHAP. 8. An act for altering the time of holding the District Court of the United States for the Western District of Pennsylvania at Williamsport.

§ 1. *Be it enacted, &c.,* That the term of the District Court of the United States for the Western District of Pennsylvania, which is now directed by law to be holden at Williamsport, in the county of Lycoming on the first Mondays of June and October in each year, shall be hereafter holden on the third Mondays of June and October in each year.

The term of the Dist. Court of the U. S. for the W. Dist. of Pennsylvania, shall be hereafter holden on the third Mondays of June and October.

§ 2. *And be it further enacted,* That the first session of the District Court to be held at Williamsport after the passage of this act shall be on the third Monday of June one thousand eight hundred and forty.

The first session shall be held on the third Monday of June, 1840.

§ 3. *And be it further enacted,* That all process which may have issued, or which may hereafter issue at Williamsport return-

All process shall be return-

ble to the terms as changed by this act. able to June term, as heretofore established, shall be held returnable, and be returned, to the terms as changed by this act.

Approved, May 8th, 1840.

CHAP. 9. An act to revive an act authorizing certain soldiers in the late war to surrender the bounty lands drawn by them and to locate others in lieu thereof, and for other purposes.

Act of 1826, c. 146, vol. 3, p. 2037.

Act 22nd May 1826, revived and continued for five years—its provisions extended to Illinois and Missouri.

§ 1. *Be it enacted, &c.*, That the act of the twenty-second of May, one thousand eight hundred and twenty-six, entitled "An act authorizing certain soldiers in the late war to surrender the bounty lands drawn by them, and to locate others in lieu thereof," be, and the same is hereby, revived and continued in force for the term of five years; and the provisions of the above recited act shall be, and are hereby, extended to those having like claims in the States of Illinois and Missouri. *Approved, May 27th, 1840.*

Act of 1831, c. 297, vol. 4, p. 2857.

Act of 1832, c. 227, vol. 4, p. 2327.

Act of 1834, c. 45, vol. 4, p. 2368.

Acts of the 2nd March 1831, 14th July 1832, and 7th June 1834, revived, extended and continued for three years, and until the cases then pending shall be determined.

CHAP. 10. An act to extend for a longer period the several acts now in force for the relief of insolvent debtors of the United States.

§ 1. *Be it enacted, &c.*, That the act entitled "An act for the relief of certain insolvent debtors of the United States," passed on the second day of March, one thousand eight hundred and thirty-one, and an act in addition thereto, passed on the fourteenth day of July, one thousand eight hundred and thirty-two, and an act to revise and amend the said acts, passed on the seventh day of June, one thousand eight hundred and thirty-four, be, and the same are hereby, revived, extended and continued in force for three years from and after the passage of this act, and until the cases then pending shall be determined for the purpose of finally disposing of such cases, but for no other purpose.

Their provisions applicable to cases which have occurred, or may occur, before the end of said three years.

§ 2. *And be it further enacted*, That the provisions of the said several acts shall apply to cases of insolvency, which shall have occurred on or before the passage of this act, or shall occur during the said three years.

The Secretary of the Treasury to cause satisfaction to be entered of record upon all judgments against debtors who have been, or may be, released, *Provided*.

§ 3. *And be it further enacted*, That the Secretary of the Treasury shall be authorized to cause satisfaction to be entered of record upon all judgments against any debtor or debtors, who may have heretofore been released under the provision of any of the acts which are extended, continued and revived by this act, or who may hereafter be released by the said acts: *Provided*, The district judge in the district in which such judgments are on record, shall certify that it has not been made to appear to the satisfaction of the said district judge, by evidence submitted to him by the district attorney of the United States, that the debtor is possessed of or entitled to any property which was not disclosed and set forth to the commissioners of insolvency at the time of the examination of such debtor, under his, her, or their petition, to be released from his, her, or their indebtedness to the United States. Every application for such certificate shall be

made to a judge at Chambers, and ten days' previous notice shall be given to the district attorney for the district wherein the said application is made, together with copies of all the papers on which such application shall be made. And so much of the said recited acts, or either of them, as is inconsistent herewith, or is hereby altered or supplied, be, and the same hereby is, repealed. *Approved, May 27th, 1840.*

So much of the above recited acts, as is inconsistent herewith, repealed.

CHAP. 11. An act authorizing Sippican and Mattapoisett, within the township of Rochester, in the State of Massachusetts, to be known hereafter as ports under those names.

§ 1. *Be it enacted, &c.,* That Sippican and Mattapoisett, harbors within the township of Rochester, in the State of Massachusetts, be hereafter respectively known as ports under those names within the collection district of New Bedford; and that the respective inhabitants thereof be authorized to describe as the law requires their vessels as belonging to the respective places instead of Rochester. *Approved, May 27th, 1840.*

Sippican and Mattapoisett to be hereafter known as ports, and vessels to be described as belonging to them instead of Rochester.

CHAP. 12. An act supplemental to the act entitled "An act to grant pre-emption rights to settlers on the public lands," approved June twenty-second, eighteen hundred and thirty-eight.

Act of 1838, c. 129, ante p. 2619.

§ 1. *Be it enacted, &c.,* That in all cases where a settler on the public lands may reside, or have his dwelling house upon one quarter section, and cultivate land on another and different quarter section, such settler may make his election under the act to which this is a supplement, to enter either of said quarter sections, or legal sub-divisions of each, so as not to exceed one quarter section in all.

In cases of residence on one quarter section, and cultivation of land on another, election may be made of either, or legal sub-divisions of each not to exceed one quarter section in all.

§ 2. *And be it further enacted,* That in all cases where an individual may have made an improvement on the public land, and had afterward leased or rented such improvement to another person, who was in possession of the same on the twenty-second of June, eighteen hundred and thirty-eight, and for the period of four months next preceding, or when the lessor or lessee, together, occupied such improvement during said four months, the person who made such improvement and so rented or leased the same, shall be entitled to the right of pre-emption, notwithstanding he may have been out of possession of his improvement during said four months, or any part thereof.

In cases of improvements made by one person and leased or rented to another, the person who made the improvements shall be entitled to the right of pre-emption.

§ 3. *And be it further enacted,* That every settler on the public lands, which were not surveyed at the passage of the act to which this is a supplement, and who, since the survey of such public lands has been ascertained to have resided at the date of said act, and for four months preceding, on a sixteenth section, set apart for the support of schools in any township, shall be entitled to enter at the minimum price any other quarter section of the public lands lying in the same land district, to which no other person has the right of pre-emption, on making satisfac-

Certain settlers on lands not surveyed at the passage of the act to which this is supplemental, and since ascertained to be a sixteenth section set apart for schools, entitled to enter other land.

tory proof of his or her residence as aforesaid on such sixteenth section, before the register and receiver of the land office of said district.

Persons who settled on any public land before its selection by any State for a seminary of learning under any act of Congress, entitled to enter other land.

§ 4. *And be it further enacted*, That every person who may have been a settler, within the meaning of the act to which this is a supplement, or any public land before its selection by any State for the purposes of a seminary of learning, under any act of Congress authorizing such selection, on satisfactory proof of the facts before the register and receiver of the district in which his improvements were situated, shall be permitted to enter at the minimum price, any other quarter section lying in the same land district, to which no other person has the right of pre-emption.

The act of the 22d June, 1836, continued till 22d June, 1842, and the right of pre-emption extended to all settlers on the public lands at the date of this act.

§ 5. *And be it further enacted*, That the "Act to grant pre-emption rights to settlers on the public lands," approved, June twenty-second, eighteen hundred and thirty-eight, be, and the same is hereby, continued in full force till the twenty-second day of June, eighteen hundred and forty-two; and the right of pre-emption, under its provisions, shall be, and hereby is, extended to all settlers on the public lands at the date of this act, with the same exceptions, whether general or special, and subject to all the limitations and conditions contained in the above recited act, and with the explanatory provisions of the preceding sections of this act; and nothing in the last proviso of the act of the twenty-second of June, eighteen hundred and thirty-eight, shall be so construed as to defeat any right of pre-emption accruing under said act, or under this act, or under any preceding act of Congress, nor shall said pre-emption claims be defeated by any contingent Choctaw location. *Approved, June 1st, 1840.*

CHAP. 13. An act to carry into effect a convention between the United States and the Mexican Republic.

Two Commissioners to be appointed by the U. S. with two to be appointed by Mexico, shall form a board to decide on claims under the convention with Mexico, of April 11th, 1839.

§ 1. *Be it enacted, &c.* That the President of the United States, by and with the advice and consent of the Senate, shall appoint two commissioners, who, together with two commissioners to be appointed by the President of the Mexican Republic, shall form a board, whose duty it shall be to receive and examine all claims, which are provided for by the convention between the United States and the Mexican Republic, concluded at Washington on the eleventh day of April, one thousand eight hundred and thirty-nine, and which may be presented to said commissioners under the same, and to decide thereon according to the provisions of said convention, and the principles of justice, equity, and the law of nations.

A Secretary to the U. S. Commissioners to be appointed.

§ 2. *And be it further enacted*, That the President of the United States, by and with the advice and consent of the Senate, shall appoint a Secretary to said commissioners, in behalf of the United States, versed in the English and Spanish languages.

§ 3. *And be it further enacted*, That said commissioners on

the part of the United States in conjunction with the commissioners on the part of the Mexican Republic, shall be, and they are hereby authorized to make all needful rules and regulations for conducting the business of their said commission, such rules and regulations not contravening the Constitution of the United States, the provisions of this act, or the provisions of said convention.

The Board of Commissioners authorized to make rules and regulations.

§ 4. *And be it further enacted*, That the compensation of the respective officers, for whose appointment provision is made by this act, shall not exceed the following sums, namely: To said commissioners, at the rate of three thousand dollars per annum for each; to the secretary at the rate of two thousand dollars per annum. And the President of the United States shall be, and he is hereby, authorized to make such provision for the contingent expenses of the said commission on the part of the United States, as shall to him appear to be reasonable and proper; and the said salaries and expenses, and likewise all that part of the salary and expenses of the arbiter under said convention, which is required thereby to be defrayed by the United States, shall be paid out of any money in the Treasury not otherwise appropriated.

The compensation of said Commissioners and Secretary.

The contingent expenses of the Board.

The salary and expenses of the arbiter.

§ 5. *And be it further enacted*, That all communications to and from the secretary of said commissioners appointed under this act, on the business of the commission, shall pass by mail free of postage.

Communications to and from the Secretary to be free of postage.

§ 6. *And be it further enacted*, That so soon as said commission shall be executed and completed according to the provisions of said convention, the commissioners aforesaid shall report to the Secretary of State a list of all the several awards made by them: and the records, documents, and all other papers, in the possession of the commission or its officers, or certified copies or duplicates thereof, shall be deposited in the office of the Secretary of State.

The awards of the commissioners to be reported to the Secretary of State.

The papers of the commission to be deposited in the State Department.

§ 7. *And be it further enacted*, That the Secretary of State shall transmit to the Secretary of the Treasury a certified copy of the report of said commissioners, or of the award of the arbiter or umpire, as provided by said convention to be made in case of the disagreement of said commissioners; and the Secretary of the Treasury shall cause certificates to be issued, in such form as he may prescribe, showing the amount or proportion of compensation to which each person, in whose favor award shall have been made by said commissioners or umpire, may be entitled as against the Mexican Government on account of the claims provided for by said convention.

The Secretary of State to transmit to the Secretary of the Treasury a certified copy of the report of the Commissioners.

The Secretary of the Treasury to cause certificates to be issued showing the amount of compensation to each person.

§ 8. *And be it further enacted*, That it shall be lawful for the Secretary of the Treasury, and he is hereby authorized and required, to cause any moneys which may be paid by the Mexican Government in satisfaction of said awards, to be remitted on the most advantageous terms to the United States, and all moneys received under said convention, or by virtue of this act, shall be deposited in the Treasury of the United States, and the same

The Secretary of the Treasury required to cause the money paid by Mexico to be remitted to the U. S. on the most advantageous terms. Said moneys to be deposited in the Treasury.

The appropriation thereof.

Said money to be distributed by the Secretary of the Treasury in ratable proportions.

are hereby appropriated to be distributed and paid to those entitled thereto according to the provisions of this act; and the Secretary of the Treasury shall distribute the same, in ratable proportions, among the persons aforesaid, according to the proportions which their respective awards shall bear to the whole amount received, and at such time or times as the same shall be received into the Treasury.

If Mexico, instead of paying the amount of the awards, issue Treasury notes therefor, the Secretary of the Treasury shall receive said notes and deliver them to the persons entitled thereto.

§ 9. *And be it further enacted*, That if the Mexican Government, in place of at once paying the amount of said awards shall see fit to issue Treasury notes therefor as provided by said convention then it shall be lawful for the Secretary of the Treasury, and he is hereby authorized and required, to receive the said Treasury notes, and to deliver the same to the persons who shall be respectively entitled thereto, in virtue of the awards made under said convention, and of the certificates issued as hereinbefore provided.

The Secretary of the Treasury in the payment, to retain any money that may be due to U. S. by persons to whom awards shall have been made.

§ 10. *And be it further enacted*, That in the payment of money or the issue of certificates in virtue of this act, the Secretary of the Treasury shall first deduct and retain, or make reservation of, such sums of money, if any, as may be due the United States from persons in whose favor awards shall have been made under said convention. *Approved, June 12th, 1840.*

CHAP. 14. An act to authorize registers and receivers to administer oaths, required to be taken by purchasers of public land.

Duty of Registers and receivers to administer oaths required to be taken by purchasers of public lands.

§ 1. *Be it enacted, &c.*, That the register or receiver, of any of the land offices of the United States shall be authorized, and it shall be the duty of said officers, to administer any oath or oaths, which now are or hereafter may be required by law, in connection with the entry or purchase of any tract of land; and if any person shall, knowingly and wilfully, swear falsely to any fact contained in any oath or affidavit so taken or made, he or she shall be deemed and held guilty of perjury, and shall, on conviction, suffer all the pains, penalties, and disabilities, which attach to said crime in other cases of perjury under the laws of the United States: *Provided*, That such land officers shall not, directly or indirectly, charge or receive any compensation for administering such oaths. *Approved, June 12th, 1840.*

Knowing and wilful false swearing to be deemed perjury.

No compensation directly or indirectly to be charged or received for administering the oaths.

CHAP. 15. An act for the discontinuance of the office of the Surveyor General in the several districts, so soon as the surveys therein can be completed, for abolishing land offices under certain circumstances and for other purposes.

The Secretary of the Treasury to take measures for the completion of surveys in districts where surveyors general have been or may be appointed. When completed in any district the surveyor general shall deliver

§ 1. *Be it enacted, &c.*, That it shall be the duty of the Secretary of the Treasury to take all the necessary measures for the completion of the surveys, in the several districts for which surveyors general have been, or may be, appointed, at the earliest periods compatible with the purposes contemplated by law; and whenever the surveys and records of any such district or State shall be completed, the surveyor general thereof shall be required

to deliver over to the Secretary of State of the respective States, including such surveys, or such other officer as may be authorized to receive them, all the field notes, maps, records, and other papers, appertaining to land titles, within the same; and the office of surveyor general, in every such district, shall thereafter cease and be discontinued.

to the Secretary of State of the respective States the field notes, &c. The office of surveyor general thereafter to cease.

§ 2. *And be it further enacted*, That whenever the quantity of public land remaining unsold in any land district shall be reduced to a number of acres less than one hundred thousand, it shall be the duty of the Secretary of the Treasury to discontinue the land office of such district; and if any land, in any such district, shall remain unsold at the time of the discontinuance of a land office, the same shall be subject to sale at some one of the existing land offices most convenient to the district in which the land office shall have been discontinued, of which the Secretary of the Treasury shall give notice. *Approved, June 12th, 1840.*

In land districts when the public land unsold shall be less than 100,000 acres, the Secretary of the Treasury shall discontinue the land office. And the land, remaining unsold, shall be subject to sale at one of the land offices most convenient to the district.

CHAP. 16. An act concerning prisoners of the United States committed to the gaol in the County of Providence and State of Rhode Island.

§ 1. *Be it enacted, &c.*, That all prisoners committed to the present gaol in the County of Providence and State of Rhode Island under the authority of the United States, shall be kept until discharged by due course of the laws thereof under the like restrictions and penalties as in the case of prisoners committed to said gaol under the authority of said State of Rhode Island.

The prisoners of the U. S. to be kept under the like restrictions and penalties as the prisoners of Rhode Island.

Approved, June 12th, 1840.

CHAP. 17. An act making provision for the payment of pensions to the executors or administrators of deceased pensioners in certain cases.

§ 1. *Be it enacted, &c.*, That in case any male pensioner shall die, leaving children, but no widow, the amount of pension due to such pensioner at the time of his death shall be paid to the executor or administrator on the estate of such pensioner, for the sole and exclusive benefit of the children, to be by him distributed among them in equal shares, and the same shall not be considered as a part of the assets of said estate, nor liable to be applied to the payment of the debts of said estate in any case whatever.

In case of a pensioner leaving children but no widow.

§ 2. *And be it further enacted*, That in case any pensioner who is a widow shall die, leaving children, the amount of pension due at the time of her death shall be paid to the executor or administrator for the benefit of her children, as directed in the foregoing section.

In case of a pensioner who is a widow leaving children.

§ 3. *And be it further enacted*, That in case of the death of any pensioner, whether male or female, leaving children, the amount of pension may be paid to any one or each of them, as they may prefer, without the intervention of an administrator.

In case of any pensioner leaving children.

Approved, June 19th, 1840.

Repeated. Act
of 1841, c. 7, post p.

●HAP. 18. An act to provide for the collection, safe keeping, transfer, and disbursement of the public revenue.

Rooms to be
provided for the
Treasurer, and
vaults, and safes
for the public
moneys; said
rooms, vaults and
safes to be the
Treasury.

§ 1. *Be it enacted, &c.*, That there shall be prepared and provided, within the new Treasury building now erecting at the seat of Government, suitable and convenient rooms for the use of the Treasurer of the United States, his assistants and clerks: and sufficient and secure fire-proof vaults and safes for the keeping of the public moneys in the possession and under the immediate control of the said Treasurer; which said rooms, vaults, and safes, are hereby constituted and declared to be, the Treasury of the United States. And the said Treasurer of the United States shall keep all the public moneys which shall come to his hands in the Treasury of the United States, as hereby constituted, until the same are drawn therefrom according to law.

The public
moneys to be
kept therein, un-
til withdrawn ac-
cording to law.

U. S. Mint, and
the branch mint
at N. Orleans to
be places of de-
posite.

§ 2. *And be it further enacted*, That the Mint of the United States, in the city of Philadelphia, in the State of Pennsylvania, and the Branch Mint, in the city of New Orleans, in the State of Louisiana, and the vaults and safes thereof, respectively, shall be places of deposite and safe keeping of the public moneys at those points respectively; and the Treasurer of the said Mint and Branch Mint respectively, for the time being, shall have the custody and care of all public moneys deposited within the same, and shall perform all the duties required to be performed by them, in reference to the receipt, safekeeping, transfer and disbursements of all such moneys, according to the provisions hereinafter contained.

Treasurers of
the Mint and
branch Mint to
have custody of
the public moneys
deposited therein
&c.

Rooms to be
provided in the
Custom House
at N. York and
Boston, for the re-
ceivers-general;

§ 3. *And be it further enacted*, That there shall be prepared and provided, within the custom-houses now erecting in the city of New York, in the State of New York, and in the city of Boston, in the State of Massachusetts, suitable and convenient rooms for the use of the receivers-general of public moneys, hereinafter directed to be appointed, at those places, respectively; and sufficient and secure fireproof vaults and safes for the keeping of the public moneys collected and deposited with them, respectively; and the receivers-general of public money, from time to time, appointed at those points, shall have the custody and care of the said rooms, and safes, respectively, and of all the public moneys deposited within the same; and shall perform all the duties required to be performed by them, in reference to the receipt, safekeeping, transfer, and disbursement of all such moneys, according to the provisions of this act.

and vaults and
safes for the pub-
lic moneys col-
lected and depos-
ited with them.

The receivers-
general to have
custody of said
rooms, vaults, and
safes, &c.

Rooms to be
provided for the
receivers-general
at Charleston and
St. Louis;

§ 4. *And be it further enacted*, That there shall be erected, prepared, and provided, at the expense of the United States, at the city of Charleston, in the State of South Carolina, and at the city of St. Louis, in the State of Missouri, offices, with suitable and convenient rooms for the use of the receivers-general of public money hereinafter directed to be appointed at the places above named; and sufficient and secure fireproof vaults and safes for the keeping of the public money collected and deposited at those points respectively; and the said receivers-general, from time to

and vaults and
safes for the pub-
lic moneys col-
lected and depos-
ited with them.

time appointed at those places, shall have the custody and care of the said offices, vaults, and safes, so to be erected, prepared, and provided, and of all the public moneys deposited within the same; and shall perform all the duties required to be performed by them, in reference to the receipt, safekeeping, transfer, and disbursement of all such moneys, according to the provisions hereinafter contained.

The receivers-general to have custody of said room, vaults, and safes, &c.

§ 5. *And be it further enacted*, That the President shall nominate, and by and with the advice and consent of the Senate, appoint four officers, to be denominated "receivers-general of public money," which said officers shall hold their respective offices for the term of four years, unless sooner removed therefrom; one of which shall be located at the city of New York, in the State of New York; one other of which shall be located at the city of Boston, in the State of Massachusetts; one other of which shall be located at the city of Charleston, in the State of South Carolina; and the remaining one of which shall be located at the city of St. Louis, in the State of Missouri; and all of which said officers shall give bonds to the United States, with sureties according to the provisions hereinafter contained, for the faithful discharge of the duties of their respective offices.

Four receivers-general to be appointed—how—and term of office.

One at N. York,

One at Boston,

One at Charleston,

And one at St. Louis.

All required to give bonds.

§ 6. *And be it further enacted*, That the Treasurer of the United States, the treasurer of the Mint of the United States, the treasurers, and those acting as such, of the various Branch Mints, all collectors of the customs, all surveyors of the customs acting also as collectors, all receivers-general of public moneys, all receivers of public moneys at the several land offices, and all postmasters, except as is hereinafter particularly provided, be, and they are hereby, required to keep safely, without loaning or using, all the public money collected by them, or otherwise at any time placed in their possession and custody, till the same is ordered by the proper department or officer of the Government to be transferred or paid out; and when such orders for transfer or payment are received, faithfully and promptly to make the same as directed, and to do and perform all other duties as fiscal agents of the Government, which may be imposed by this or any other acts of Congress, or by any regulation of the Treasury Department, made in conformity to law; and also to do and perform all acts and duties required by law, or by direction of any of the Executive Departments of the Government, as agents for paying pensions, or for making any other disbursements which either of the heads of those departments may be required by law to make, and which are of a character to be made by the depositaries hereby constituted, consistently with the other official duties imposed upon them.

Officers charged with the custody of the public moneys—their duties.

§ 7. *And be it further enacted*, That the Treasurer of the United States, the Treasurer of the Mint of the United States, the Treasurer of the Branch Mint at New Orleans, and the receivers-general of public money hereinbefore directed to be appointed, shall, respectively, give bonds to the United States, in

Bonds to be given by the Treasurer of the U. S. and of the Mint, and of the branch Mint at N. Orleans, and the receivers-general.

Said bonds may be renewed, strengthened, and increased.
 such form, and for such amounts, as shall be directed by the Secretary of the Treasury, by and with the advice and consent of the President, with sureties to the satisfaction of the Solicitor of the Treasury; and shall, from time to time, renew, strengthen, and increase their official bonds, as the Secretary of the Treasury, with the consent of the President, may direct; any law in reference to any of the official bonds of any of the said officers to the contrary notwithstanding.

Bonds to be given by the other depositaries constituted by this act.
 § 8. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, at as early a day as possible after the passage of this act, to require from the several depositaries hereby constituted, and whose official bonds are not hereinbefore provided for, to execute bonds new and suitable in their terms to meet the new and increased duties imposed upon them respectively by this act, and with sureties, and in sums such as shall seem reasonable and safe to the Solicitor of the Treasury, and from time to time to require such bonds to be renewed and increased in amount and strengthened by new sureties, to meet any increasing responsibility which may grow out of accumulations of money in the hands of the depositary, or out of any other duty or responsibility arising under this or any other law of Congress.

Collectors and receivers of public money in the following places to pay over, when and to whom.
 Dis't. of Col.
 Philadelphia and N. Orleans.
 § 9. *And be it further enacted*, That all collectors and receivers of public money, of every character and description, within the district of Columbia, shall, as frequently as they may be directed by the Secretary of the Treasury, or the Postmaster General, so to do, pay over to the Treasurer of the United States at the Treasury thereof, all public moneys collected by them, or in their hands; that all such collectors and receivers of public moneys within the cities of Philadelphia and New Orleans, shall upon the same direction, pay over to the Treasurers of the Mints in their respective cities, at the said mints, all public moneys collected by them, or in their hands; and that all such collectors

N York, Boston, Charleston, and St. Louis.
 and receivers of public moneys within the cities of New York, Boston, Charleston, and St. Louis, shall, upon the same direction, pay over to the receivers-general of public money in their respective cities, at their offices respectively, all the public moneys collected by them, or in their hands, to be safely kept by the said respective depositaries, until otherwise disposed of according to law; and it shall be the duty of the said Secretary and Postmaster General to direct such payments, by the said collectors and receivers, at all the said places, at least as often as once in each week, and as much more frequently, in all cases, as they, in their discretion, may think proper.

Such payments to be made at least once a week.
 § 10. *And be it further enacted*, That it shall be lawful for the Secretary of the Treasury to transfer the moneys in the hands of any depositary hereby constituted, to the Treasury of the United States; to the Mint at Philadelphia; to the Branch Mint at New Orleans; or to the offices of either of the receivers-general of public moneys, by this act directed to be appointed;

to be there safely kept, according to the provisions of this act ; and also to transfer moneys in the hands of any one depositary constituted by this act to any other depositary constituted by the same, at his discretion, and as the safety of the public moneys, and the convenience of the public service shall seem to him to require ; which authority to transfer the moneys belonging to the Post Office Department is also hereby conferred upon the Postmaster General, so far as its exercise by him may be consistent with the provisions of existing laws ; and every depositary constituted by this act shall keep his account of the money paid to, or deposited with, him, belonging to the Post Office Department, separate and distinct from the account kept by him of other public moneys so paid or deposited. And for the purpose of payments on the public account, it shall be lawful for the Treasurer of the United States to draw upon any of the said depositaries, as he may think most conducive to the public interests, or to the convenience of the public creditors, or both.

§ 11. *And be it further enacted*, That the moneys in the hands, care, and custody, of any of the depositaries constituted by this act, shall be considered and held as deposited to the credit of the Treasurer of the United States, and shall be, at all times subject to his draft, whether made for transfer or disbursement, in the same manner as though the said moneys were actually in the Treasury of the United States ; and each depositary shall make returns to the Treasury and Post Office Department of all moneys received and paid by him, at such times, and in such form, as shall be directed by the Secretary of the Treasury or the Postmaster General.

§ 12. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby, authorized to cause examinations to be made of the books, accounts, and money on hand, of the several depositaries constituted by this act ; and for that purpose to appoint special agents, as occasion may require, with such compensation as he may think reasonable, to be fixed and declared at the time of each appointment. The agents selected to make these examinations shall be instructed to examine as well the books, accounts, and returns of the officer, as the money on hand, and the manner of its being kept, to the end that uniformity and accuracy in the accounts, as well as safety to the public moneys may be secured thereby.

§ 13. *And be it further enacted*, That in addition to the examinations provided for in the last preceding section, and as a further guard over the public moneys, it shall be the duty of each naval officer and surveyor, as a check upon the receiver-general of public moneys, or collector of the customs, of their respective districts ; of each register of a land office, as a check upon the receiver of his land office ; and of the director and superintendent of each Mint and Branch Mint when separate offices, as a check upon the Treasurers, respectively, of the said Mints, or the persons acting as such, at the close of each quarter of the year, and

Postmasters General authorized to make transfers of moneys belonging to the Post Office Department.

Depositaries to keep separate and distinct accounts of the money belonging to the Post Office Department.

The Treasurer may draw on any depositary. Moneys in the hands of depositaries, to be held as deposited to the credit of the Treasurer, and subject to his draft.

Depositaries to make returns to the Treasury and Post Office Dept's of moneys received and paid.

Examinations to be made of the books, &c. of the depositaries.

Special agents may be appointed for that purpose.

Additional examinations to be made—how.

as much more frequently as they shall be directed by the Secretary of the Treasury to do so, to examine the books, accounts, returns, and money on hand, of the receivers-general of public money, collectors, receivers of land offices, treasurers, and persons acting as such, and to make a full, accurate, and faithful return to the Treasury Department of their condition.

Necessary expenses for clerks, fireproof chests, &c. allowed.

All such expenses first to be authorized by the Sec. of Treasury.

Provided.

The balances remaining with the present depositaries to be withdrawn, &c.

Payments of public money to the U. S. and payments for patents — to whom to be made.

Entries required to be made of public moneys, other than those connected with the Post Office Department.

Felony for any officer to use the public money intrusted to him — punishment to which he and per-

§ 14. *And be it further enacted*, That the said officers respectively, whose duty it is made by this act to receive, keep, and disburse the public moneys, as the fiscal agents of the Government, may be allowed any necessary additional expenses for clerks, fireproof chests, or vaults, or other necessary expenses of safekeeping, transferring, and disbursing said moneys; all such expenses of every character to be first expressly authorized by the Secretary of the Treasury, whose directions upon all the above subjects, by way of regulation and otherwise, so far as authorized by law, are to be strictly followed by all the said officers; *Provided*, That the whole number of clerks to be appointed by virtue of this section of this act, shall not exceed ten, and that the aggregate compensations of the whole number shall not exceed eight thousand dollars, nor shall the compensation of any one clerk, so appointed, exceed eight hundred dollars per annum.

§ 15. *And be it further enacted*, That the Secretary of the Treasury shall, with as much promptitude as the convenience of the public business, and the safety of the public funds will permit, withdraw the balances remaining with the present depositaries of the public moneys, and confine the safekeeping, transfer, and disbursement of those moneys to the depositaries established by this act.

§ 16. *And be it further enacted*, That all marshals, district attorneys, and others, having public money to pay to the United States, and all patentees, wishing to make payment for patents to be issued, may pay all such moneys to the Treasurer of the United States, at the Treasury, to the Treasurer of either of the Mints, in Philadelphia or New Orleans, to either of the receivers-general of public money, or to such other depositary constituted by this act as shall be designated by the Secretary of the Treasury, in other parts of the United States, to receive such payments, and give receipts or certificates of deposit therefor.

§ 17. *And be it further enacted*, That all officers charged by this act with the safekeeping, transfer, and disbursement of the public moneys, other than those connected with the Post Office Department, are hereby required to keep an accurate entry of each sum received, and of the kind of money in which it is received, and of each payment or transfer, and of the kind of currency in which it is made; and that if any one of the said officers, or of those connected with the Post Office Department, shall convert to his own use, in any way whatever, or shall use by way of investment in any kind of property or merchandise, or shall loan, with or without interest, any portion of the public moneys in-

trusted to him for safekeeping, disbursement, transfer, or for any other purpose, every such act shall be deemed and adjudged to be an embezzlement of so much of the said moneys as shall be thus taken, converted, invested, used, or loaned, which is hereby declared to be a felony, and any officer or agent of the United States, and all persons advising or participating in such act, being convicted thereof before any court of the United States of competent jurisdiction, shall be sentenced to imprisonment for a term of not less than six months nor more than five years, and to a fine equal to the amount of the money embezzled.

§ 18. *And be it further enacted*, That until the rooms, offices, vaults, and safes, directed by the first four sections of this act to be constructed and prepared for the use of the Treasurer of the United States, the Treasurers of the Mints, at Philadelphia and New Orleans, and the receivers-general of public money at New York, Boston, Charleston, and St. Louis, can be constructed and prepared for use, it shall be the duty of the Secretary of the Treasury to procure suitable rooms for offices for those officers at their respective locations, and to contract for such use of vaults and safes as may be required for the safekeeping of the public moneys in the charge and custody of those officers respectively, the expense to be paid by the United States.

§ 19. *And be it further enacted*, That from and after the thirtieth day of June, which will be in the year one thousand eight hundred and forty, the resolution of Congress of the thirtieth day of April, in the year one thousand eight hundred and sixteen, so far as it authorizes the receipt in payment of duties, taxes, sales of public lands, debts, and sums of money, accruing or becoming payable to the United States, to be collected and paid in the notes of specie-paying banks, shall be so modified as that one-fourth part of all such duties, taxes, sales of public lands, debts, and sums of money accruing or becoming due to the United States, shall be collected in the legal currency of the United States; and from and after the thirtieth day of June, which will be in the year one thousand eight hundred and forty-one, one other fourth part of all such duties, taxes, sales of public lands, debts, and sums of money, shall be so collected; and that from and after the thirtieth day of June, which will be in the year one thousand eight hundred and forty-two, one other fourth part of all such duties, taxes, sales of public lands, debts and sums of money, shall be so collected; and that from and after the thirtieth day of June, which will be in the year one thousand eight hundred and forty-three, the remaining fourth part of the said duties, taxes, sales of public land, debts, and sums of money, shall be also collected in the legal currency of the United States; and from and after the last mentioned day, all sums accruing, or becoming payable to the United States, for duties, taxes, sales of public lands, or other debts, and also all sums due for

some advising or participating therein are liable.

Until the rooms, offices, vaults, and safes, directed to be prepared by the 1st. four sections of this act can be prepared, others to be procured.

After 30th June 1840, the resolution of 30th April 1816, to be so modified that one fourth of the duties, taxes, &c. accruing in the U. S. shall be paid in the legal currency;

and after 30th June, 1841, one other fourth;

and after 30th June, 1842, one other fourth;

and after 30th June, 1843, the remaining fourth.

Resolution of 1816, No. 8, vol. 3, p. 1816.

postages, or otherwise, to the General Post Office Department, shall be paid in gold and silver only.

After 30th June 1843, all payments on acct. of the U. S. to be in gold and silver only.

§ 20. *And be it further enacted*, That from and after the thirtieth day of June, which will be in the year one thousand eight hundred and forty-three, every officer or agent engaged in making disbursements on account of the United States, or of the General Post Office, shall make all payments in gold and silver coin only; and any receiving or disbursing officer, or agent, who shall neglect, evade, or violate, the provisions of this and the last preceding section of this act, shall, by the Secretary of the Treasury, be immediately reported to the President of the United States, with the facts of such neglect, evasion, or violation, and also to Congress, if in session, and, if not in session, at the commencement of its session next after the violation takes place.

Violations of this and the preceding section, to be reported to the President and to Congress.

No exchange of funds to be made except for gold and silver.

§ 21. *And be it further enacted*, That no exchange of funds shall be made by any disbursing officers, or agents, of the Government, of any grade or denomination whatsoever, or connected with any branch of the public service, other than an exchange for gold and silver; and every such disbursing officer, when the means for his disbursements are furnished to him in currency legally receivable under the provisions of this act, shall make his payments in the currency so furnished, or when those means, are furnished to him in drafts, shall cause those drafts to be presented at their place of payment and properly paid according to the law, and shall make his payments in the currency so received for the drafts furnished, unless, in either case, he can exchange the means in his hands for gold and silver at par, and so as to facilitate his payments, or otherwise accommodate the public service and promote the circulation of a metallic currency. And it shall be, and is hereby made, the duty of the head of the proper department immediately to suspend from duty any disbursing officer who shall violate the provisions of this section, and forthwith to report the name of the officer, or agent, to the President, with the fact of the violation and all the circumstances accompanying the same and within the knowledge of the said Secretary, to the end that such officer, or agent, may be promptly removed from office, or restored to his trust and the performance of his duties, as to the President may seem just and proper.

Currency in which payments shall be made.

Officers violating this section to be suspended and reported to the President.

To be no difference between the funds receivable from the different branches of the revenue.

§ 22. *And be it further enacted*, That it shall not be lawful for the Secretary of the Treasury to make or continue in force, any general order, which shall create any difference between the different branches of revenue, as to the funds or medium of payment, in which debts or dues accruing to the United States may be paid.

Measures to be taken to enforce the speedy presentation of Government drafts for Payment, and prevent their being inguised as a paper currency.

§ 23. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to issue and publish regulations to enforce the speedy presentation of all Government drafts for payment at the place where payable, and to prescribe the time, according to the different distances of depositaries from the seat of Government, within which all drafts upon them, respectively,

shall be presented for payment ; and, in default of such presentation, to direct any other mode and place of payment which he may deem proper ; but in all those regulations and directions, it shall be the duty of the Secretary of the Treasury to guard, as far as may be, against those drafts being used or thrown into circulation, as a paper currency, or medium of exchange.

§ 24. *And be it further enacted*, That the receivers-general of public moneys directed by this act to be appointed, shall receive, respectively, the following salaries, per annum, to be paid quarter-yearly, at the Treasury of the United States, to wit : the receiver-general of public money at New York shall be paid a salary of four thousand dollars per annum ; the receiver-general of public money at Boston shall be paid a salary of two thousand five hundred dollars per annum ; the receiver-general of public money at Charleston shall be paid a salary of two thousand five hundred dollars per annum ; and the receiver-general of public money at St. Louis shall be paid a salary of two thousand five hundred dollars per annum ; the treasurer of the Mint at Philadelphia shall, in addition to his present salary, receive five hundred dollars, annually for the performance of the duties imposed by this act ; the treasurer of the branch Mint at New Orleans shall also receive one thousand dollars, annually, for the additional duties created by this act ; and these salaries, respectively, shall be in full for the services of the respective officers, nor shall either of them be permitted to charge, or receive, any commission, pay, or perquisite, for any official service of any character or description whatsoever ; and the making of any such charge, or the receipt of any such compensation, is hereby declared to be a misdemeanor, for which the officer convicted thereof, before any court of the United States of competent jurisdiction, shall be subject to punishment by fine, or imprisonment, or both, at the discretion of the court before which the offence shall be tried.

Salaries of the receivers-gen^l.

Of the treasurer of the mint.

Of the treasurer of the branch Mint at New Orleans.

A misdemeanor to charge or receive any commission, &c. for official service.

Treasurer authorized to receive payments in advance for public lands.

Provided.

§ 25. *And be it further enacted*, That the Treasurer of the United States be, and he is hereby, authorized to receive at the Treasury, and at such other points as he may designate, payments in advance for public lands, the payments so made in all cases, to be evidenced by the receipt of the said Treasurer of the United States ; which receipts so given shall be receivable for public lands, at any public or private sale of lands, in the same manner as the currency authorized by law to be received in payment for the public lands : *Provided, however*, That the receipts given by the treasurer of the United States, pursuant to the authority conferred in this section, shall not be negotiable or transferrable, by delivery, or assignment, or in any other manner whatsoever, but shall in all cases, be presented in payment for lands by or for the person to whom the receipt was given, as shown upon its face.

§ 26. *And be it further enacted*, That for the purchase of sites, and for the construction of the offices of the receivers-general of public money, by this act directed to be erected at Charles-

\$10,000 appropriated for the purchase of sites, and construction of offices for the receivers-general at Charleston, and St. Louis.

Proviso.

Appropriation for the payment of expenses authorized by this Act.

Acts and parts of acts conflicting with this repealed.

ton, South Carolina, and St. Louis, Missouri, there shall be, and hereby is, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, the sum of ten thousand dollars, to be expended under the direction of the Secretary of the Treasury, who is hereby required to adopt plans for the said offices, and the vaults and safes connected therewith, and to cause the same to be constructed and prepared for use with as little delay as shall be consistent with the public interests, and the convenient location and security of the buildings to be erected: *Provided however*, That if the Secretary of the Treasury shall find upon inquiry and examination, that suitable rooms for the use of the receiver-general at Charleston can be obtained in the custom-house now owned by the United States at that place, and that secure vaults and safes can be constructed in that building for the safekeeping of the public money, then he shall cause such rooms to be prepared and fitted up, and such vaults and safes to be constructed in the custom-house at Charleston, and no independent office shall be there erected.

§ 27. *And be it further enacted*, That, for the payment of the expenses authorized by this act, other than those herein before provided for, a sufficient sum of money be, and the same is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

§ 28. *And be it further enacted*, That all acts or parts of acts which come in conflict with the provisions of this act be, and the same are hereby, repealed. *Approved, July 4th, 1840.*

CHAP. 19. An act to amend an act approved the eighteenth of January eighteen hundred and thirty-nine, entitled "An act to amend an act entitled 'An act to require the judge of the district of East and West Tennessee to hold a court at Jackson in said State,' approved June the eighteenth, eighteen hundred and thirty-eight," and for other purposes.

To be two terms held annually.

Rule days.

7 Sec. Act 18th Jan. 1839, repealed.

An additional term of the circuit court to be held in Knoxville, by the district judge.

The judge may adjourn a cause to the next term—when.

§ 1. *Be it enacted, &c.*, That from and after the first Monday in April, eighteen hundred and forty, there shall be two terms of said court held annually by the district judge at Jackson, on the second Monday in December next, and the second Monday in June then following; and the rule days of said court for the return of process and filing of pleadings shall be held on the second Monday of September and March, in each and every year.

§ 2. *And be it further enacted*, That the seventh section of the act which this is intended to amend, be, and the same is hereby, repealed.

§ 3. *And be it further enacted*, That an additional term of the circuit court of the United States shall be holden in Knoxville, in East Tennessee, on the third Monday in April in each and every year, which said term shall be held by the district judge; and should any difficult point of law arise, at said April term, in any cause or matter of controversy in said court, the

said district judge may, at his discretion, adjourn the same over to the next term. *Approved, July 4th, 1840.*

CHAP. 20. An act in addition to the acts respecting the judicial system of the United States.

§ 1. *Be it enacted, &c.,* That whenever it shall so happen that neither of the judges of a circuit court of the United States shall attend at the commencement of a session of the said court, or at the time appointed on any adjournment thereof, to open and adjourn the said court in person, either of the said judges may, by a written order to the marshal, adjourn the court from time to time, as the case may require, to any time or times antecedent to the next stated term of the said court; and all suits, actions, writs, processes, recognizances, and other proceedings, pending in such court, or returnable to, or to be acted upon at such court, shall have day and be returnable to, and be heard, tried, and determined, at such adjournment or adjournments in the same manner and with the same effect as if the said court had been duly opened and held at the commencement of such session, or other day appointed therefor; and all persons bound or required to appear at the said court, either as jurymen, witnesses, parties, or otherwise, shall be bound and required to attend at such adjournment or adjournments accordingly.

In the event of the non attendance of either of the judges of a circuit court at the commencement of a session, &c.—how the court may be adjourned.

Suits, actions, writs, &c., not affected thereby.

Bound persons required to appear.

§ 2. *And be it further enacted,* That the presiding judge of any circuit court may, at his discretion, appoint special sessions thereof, to be held at the places where the stated sessions thereof are holden; at which special sessions it shall be competent for the said court to entertain jurisdiction of and to hear and decide all cases in equity, cases in error, or on appeal, issues of law, motions in arrest of judgment, motions for a new trial, and all other motions, and to award executions and other final process, and to do and transact all other business, and direct all other proceedings, in all causes pending in the circuit court, except trying any cause by a jury, in the same way and with the same force and effect as the same could or might be done at the stated sessions of such court.

The presiding judge of any district may appoint special sessions.

Jurisdiction of the court at special sessions.

§ 3. *And be it further enacted,* That writs of error shall lie to the Supreme Court from all judgments of a circuit court, in cases brought there by writs of error from the district court, in like manner and under the same regulations, limitations, and restrictions, as are now provided by law for writs of error to judgments rendered upon suits originally brought in the circuit court.

Writs of error shall lie to the Supreme Court in certain cases.

§ 4. *And be it further enacted,* That judgments and decrees hereafter rendered in the circuit and district courts of the United States, within any State, shall cease to be liens on real estate or chattels real in the same manner and at like periods as judgments and decrees of the courts of such State now cease by law to be

When and how judgments and decrees shall cease to be liens.

Fees to clerks of the U. S. courts for making searches and certificates respecting such liens. The 8th, 9th, and 10th Secs. Act 3d March, 1839, repealed.

Act of 1839, c. 265, ante, p. 2771.

liens thereon; and the respective clerks of the United States courts in such State shall receive the like fees for making searches and certificates respecting such liens as are now allowed for like services to the clerks of the supreme court of such State; and the eighth, ninth, and tenth sections of the act entitled "An act to amend the act of the third of March, one thousand eight hundred and thirty-seven, entitled 'An act supplementary to an act to amend the judicial system of the United States, and for other purposes,' passed March third, one thousand eight hundred and thirty-nine," are hereby repealed. *Approved, July 4th, 1840.*

CHAP. 21. An act to remove the land office from Chocchuma to Grenada, in the State of Mississippi.

The registers and receivers for said land office to remove the books &c. within sixty days.

§ 1. *Be it enacted, &c.,* That the land office at Chocchuma, in the county of Tallahatchie, State of Mississippi, shall be removed to and located in the town of Grenada, in Yalabusha county, in said State; and it shall be the duty of the registers and the receivers of public money for said land office, within sixty days from and after the passage of this act, to remove the books, records, and whatever else belongs to said office, to the place of location, as herein provided for. *Approved, July 4th, 1840.*

Act of 1800 c. 69, vol. 1, p. 792.

CHAP. 22. An act to amend the act, approved May thirteenth, eighteen hundred, entitled "An act to amend an act entitled 'An act to establish the judicial courts of the United States.' "

Jurors of U. S. courts in each State to have like qualifications, &c. as jurors of the highest court in such State, to be designated in the same way, as far as practicable, and U. S. courts authorized to make rules, &c. for that purpose.

§ 1. *Be it enacted, &c.,* That jurors to serve in the courts of the United States, in each State respectively, shall have the like qualifications, and be entitled to the like exemptions, as jurors of the highest court of law of such State now have and are entitled to, and shall hereafter from time to time have and be entitled to, and shall be designated by ballot, lot, or otherwise, according to the mode of forming such juries now practised and hereafter to be practised therein, in so far as such mode may be practicable by the courts of the United States, or the officers thereof; and, for this purpose the said courts shall have power to make all necessary rules and regulations for conforming the designation and empannelling of juries, in substance, to the laws and usages now in force in such State; and further, shall have power, by rule or order, from time to time, to conform the same to any change in these respects which may be hereafter adopted by the Legislatures of the respective States for the State courts. *Approved, July 20th, 1840.*

Act of 1841, c. 40.

CHAP. 23. An Act in addition to the several acts regulating the shipment and discharge of seamen, and the duties of consuls.

§ 1. *Be it enacted, &c.* As follows :

First. The duplicate list of the crew of any vessel bound on

a foreign voyage, made out pursuant to the act of February twenty-eight, eighteen hundred and three, shall be a fair copy in one uniform handwriting, without erasure or interlineation. Duplicate list of crew to be a fair copy, &c.

Second. It shall be the duty of the owners of every such vessel to obtain from the collector of the customs of the district from which the clearance is made, a true and certified copy of the shipping articles, containing the names of the crew, which shall be written in a uniform hand, without erasures or interlineations. Owners to obtain a true and certified copy of the shipping articles, &c.

Third. These documents which shall be deemed to contain all the conditions of contract with the crew as to their service, pay, voyage, and all other things, shall be produced by the master, and laid before any consul, or other commercial agent of the United States, whenever he may deem their contents necessary to enable him to discharge the duties imposed upon him by law toward any mariner applying to him for his aid or assistance. These to be deemed to contain all the conditions of the contract with the crew, and to be produced to the consul, &c.—when.

Fourth. All interlineations, erasures, or writing in a hand different from that in which such duplicates were originally made, shall be deemed fraudulent alterations, working no change in such papers, unless satisfactorily explained in a manner consistent with innocent purposes and the provisions of law which guard the rights of mariners. Interlineations, &c. to be deemed fraudulent alterations.

Fifth. Any consul of the United States, and in case there is none resident at a foreign port, or he is unable to discharge his duties, then any commercial agent of the United States authorized to perform such duties, may, upon the application of both the master and any mariner of the vessel under his command, discharge such mariner, if he thinks it expedient, without requiring the payment of three months' wages, under the provisions of the act of the twenty-eighth of February, eighteen hundred and three, or any other sum of money. Consul, &c. may discharge mariners without three months' wages required by act 28th Feb. 1833, &c.—when.

Sixth. Any consul, or other commercial agent, may also, on such joint application, discharge any mariner on such terms as will, in his judgment, save the United States from the liability to support such mariner, if the master gives his voluntary assent to such terms, and conforms thereto. Consul, &c. may discharge mariners on other terms, what.

Seventh. When a mariner is so discharged, the officer discharging him shall make an official entry thereof upon the list of the crew and the shipping articles. Entry to be of mariners so discharged.

Eighth. Whenever any master shall ship a mariner in a foreign port, he shall forthwith take the list of his crew and the duplicate of the shipping articles to the consul, or person who discharges the duties of the office at that port, who shall make the proper entries thereon, setting forth the contract, and describing the person of the mariner; and thereupon the bond originally given for the return of the men shall embrace each person so shipped. Consul, &c. to make an entry of mariners shipped in a foreign port.

Ninth. When any mariner shall complain that the voyage is continued contrary to his agreement, or that he has fulfilled his contract, the consul, or other commercial agent performing like duties, may examine into the same by an inspection of the articles of agreement; and if on the face of them he finds the com- Consul, &c. to examine certain complaints of mariners, and their duties with regard to them.

plaint to be well founded, he shall discharge the mariner, if he desires it, and require of the master an advance, beyond the lawful claims of such mariner, of three months' wages, as provided in the act of February twenty-eighth, eighteen hundred and three; and in case the lawful claims of such mariner are not paid upon his discharge, the arrears shall from that time bear an interest of twenty per centum: *Provided, however,* If the consul or other commercial agent, shall be satisfied the contract has expired, or the voyage been protracted by circumstances beyond the control of the master, and without any design on his part to violate the articles of shipment, then he may, if he deems it just, discharge the mariner with exacting the three months' additional pay.

Proviso.

Shipments of seamen contrary to this, and other acts of Congress void, &c.

Consuls, &c. to reclaim deserters, and discountenance insubordination.

Consul, &c. on the complaint of an officer, or the majority of the crew, of a vessel, that she is in an unsuitable condition to go to sea, shall appoint persons to make an examination, &c.

Power and duty of the inspectors in making said examination.

Duty of the consul, &c.

Inspectors to state whether the vessel was sent to sea unsuitably provided &c.

Duty of the consul, &c.

Tenth. All shipments of seamen, made contrary to the provisions of this and other acts of Congress, shall be void; and any seamen so shipped may leave the service at any time, and demand the highest rate of wages paid to any seaman shipped for the voyage, or the sum agreed to be given him at his shipment.

Eleventh. It shall be the duty of consuls and commercial agents to reclaim deserters and discountenance insubordination by every means within their power; and where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner.

Twelfth. If the first officer, or any officer, and a majority of the crew of any vessel shall make complaint in writing that she is in an unsuitable condition to go to sea, because she is leaky, or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not, or have not been, during the voyage, sufficient and wholesome, thereupon, in any of these or like cases, the consul or commercial agent who may discharge any duties of a consul shall appoint two disinterested, competent practical men, acquainted with maritime affairs to examine into the causes of complaint, who shall in their report state what defects and deficiencies, if any, they find to be well founded, as well as what, in their judgment, ought to be done to put the vessel in order for the continuance of her voyage.

Thirteenth. The inspectors so appointed shall have full power to examine the vessel and whatever is aboard of her, as far as is pertinent to their inquiry, and also to hear and receive any other proofs which the ends of justice may require, and if, upon a view of the whole proceedings, the consul, or other commercial agent shall be satisfied therewith, he may approve the whole or any part of the report, and shall certify such approval, and if he dissents, shall also certify his reasons for so dissenting.

Fourteenth. The inspectors in their report shall also state whether, in their opinion, the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, or through mistake or accident, and in case it was by neglect or design, and the consul or other commercial agent approves of such finding, he shall discharge such of the crew as require it, each of whom shall be entitled to three months' pay in

addition to his wages to the time of discharge ; but, if in the opinion of the inspectors the defects or deficiencies found to exist have been the result of mistake or accident, and could not, in the exercise of ordinary care have been known and provided against before the sailing of the vessel, and the master shall, in a reasonable time, remove or remedy the causes of complaint, then the crew shall remain and discharge their duty ; otherwise they shall, upon their request, be discharged, and receive each one month's wages in addition to the pay up to the time of discharge.

Fifteenth. The master shall pay all such reasonable charges in the premises as shall be officially certified to him under the hand of the consul or other commercial agent, but in case the inspectors report that the complaint is without any good and sufficient cause, the master may retain from the wages of the complainants, in proportion to the pay of each, the amount of such charges, with such reasonable damages for detention on that account as the consul or other commercial agent directing the inquiry may officially certify.

The charges how to be paid, &c.

Sixteenth. The crew of any vessel shall have the fullest liberty to lay their complaints before the consul or commercial agent in any foreign port, and shall in no respect be restrained or hindered therein by the master or any officer, unless some sufficient and valid objection exist against their landing ; in which case, if any mariner desire to see the consul or commercial agent, it shall be the duty of the master to acquaint him with it forthwith ; stating the reason why the mariner is not permitted to land, and that he is desired to come on board ; whereupon it shall be the duty of such consul or commercial agent to repair on board and inquire into the causes of the complaint, and to proceed thereon as this act directs.

Crews of vessels to have the fullest liberty to lay their complaints before the consul, &c.

Seventeenth. In all cases where deserters are apprehended, the consul or commercial agent shall inquire into the facts ; and, if satisfied that the desertion was caused by unusual or cruel treatment, the mariner shall be discharged, and receive, in addition to his wages to the time of the discharge, three month's pay ; and the officer discharging him shall enter upon the crew-list and shipping articles the cause of discharge, and the particulars in which the cruelty or unusual treatment consisted, and subscribe his name thereto officially.

Duties of the consuls, &c., with regard to apprehended deserters.

Eighteenth. If any consul or commercial agent shall neglect or omit to perform, seasonably, the duties hereby imposed upon him or shall be guilty of any malversation or abuse of power, he shall be liable to any injured person for all damage occasioned thereby ; and for all malversation and corrupt conduct in office, he shall be liable to indictment, and, on conviction by any court of competent jurisdiction, shall be fined not less than one nor more than ten thousand dollars, and be imprisoned not less than one nor more than five years.

Consuls, &c. for neglect of the duties hereby imposed, etc. liable for damages, and for malversation, etc. to fine and imprisonment.

Nineteenth. If any master of a vessel shall proceed on a foreign voyage without the documents herein required, or refuse to produce them when required, or to perform the duties

Masters of vessels, for violations of this act, liable for damages, and to a fine for each offence.

imposed by this act, or shall violate the provisions thereof he shall be liable to each and every individual injured thereby, in damages, and shall, in addition thereto, be liable to pay a fine of one hundred dollars for each and every offence, to be recovered by any person suing therefor in any court of the United States in the district where such delinquent may reside or be found.

Violations of this act to be reported.

Twentieth. It shall be the duty of the boarding officer to report all violations of this act to the collector of the port where any vessel may arrive, and the collector shall report the same to the Secretary of the Treasury and to the attorney of the United States in his district.

This act to be in force when, and applicable to what vessels.

Twenty-first. This act shall be in force from and after the first day of October next; and shall not apply to vessels which shall have sailed from ports of the United States before that time.

Approved, July 20th, 1840.

CHAP. 24. An act to annex a certain tract of land to the Coosa land district, and for other purposes.

Certain land annexed to the Coosa land district.

§ 1. *Be it enacted, &c.*, That such part of township twenty-two, of range two, east, northern survey, State of Alabama, as lies east of the Coosa river, and was ceded to the United States by the Creek nation of Indians, by a treaty concluded on the ninth day of August eighteen hundred and fourteen, be, and the same is hereby annexed to the Coosa land district; and all surveys, sales, and other proceedings heretofore had in reference to said tract hereby annexed as aforesaid, shall be as valid as they would have been had the same, at the time such proceedings were had, formed a part of said district, and no farther.

Surveys, sales, etc. valid, how far.

Approved, July 20th, 1840.

CHAP. 25. An act to provide for the support of the Military Academy for the year eighteen hundred and forty.

Commander of cadets to be instructor of infantry tactics, or etc.—his pay and emoluments, and that of other instructors.

§ 2. *And be it further enacted*, That the commander of the Corps of Cadets at the Military Academy, shall be either the instructor of infantry tactics, of cavalry and artillery tactics, or of practical engineering and that his pay and emoluments shall in no case be less than the compensation allowed by law to the professor of mathematics; and that the pay and emoluments of the instructors in these branches shall in no case be less than is allowed by law to the assistant professor of mathematics.

Compensation of the assistant professors of ethics.

§ 3. *And be it further enacted*, That the assistant professors of ethics shall be allowed the same compensation as is now allowed by law to the other assistant professors in the institution. *Approved, July 20th, 1840.*

CHAP. 26. An act making appropriations for the naval service for the year one thousand eight hundred and forty.

Completion of the two steam-vessels.

§ 2. *And be it further enacted*, That in addition to the sum of three hundred and thirty thousand dollars, which was placed

subject to the disposition of the Navy Department by the second section of the act of Congress making appropriations for the naval service for the year one thousand eight hundred and thirty-nine, the further sum of three hundred and forty thousand dollars of the amount heretofore appropriated for the gradual improvement of the navy, is hereby directed to be placed subject to the disposition of the department aforesaid, for the purpose of completing the two steam-vessels which have been commenced, in case that amount can be diverted from that appropriation without impairing the ability of the naval department to make payments under existing contracts prior to the fourth day of March, eighteen hundred and forty-one, and if that cannot be done consistently with the rights of contractors and the public interests, then so much of the said sum of three hundred and forty thousand dollars as can be so diverted to this object, from the appropriation referred to, shall be subject to the disposition of the Secretary of the Navy for this purpose, and the said sum of three hundred and forty thousand dollars, to be expended in the manner in this section prescribed, shall be in addition to any materials now on hand applicable to the construction the said steam vessels of war.

§ 3. *And be it further enacted*, That all appropriations and all remaining balances of appropriations heretofore made for building, rebuilding, replacing, purchasing, or repairing vessels of war, or other vessels, for the use of the navy, or for the purchase of timber, ordnance, or any other articles for building, arming, equipping, or repairing vessels of the navy, or for the repairs of vessels in ordinary, and repair, wear and tear of vessels in commission, together with any materials which have been, or may be, collected under any of the said appropriations, be, and the same are hereby, transferred to one head of appropriation, to be called "the appropriation for the increase, repair, armament, and equipment of the navy, and wear and tear of vessels in commission;" and the amount of said appropriation, and of such other as may be made hereafter for like purposes, and the materials which have been, or may be hereafter collected for the same, may be expended and used by the Secretary of the Navy, in building, replacing, arming, repairing, equipping, and employing any vessels which Congress may have authorized, or may hereafter authorize to be built, rebuilt, purchased, or replaced, in such manner as the interests or necessities of the service may require.

§ 4. *And be it further enacted*, That it shall be the duty of the Secretary of the Navy to cause to be laid before Congress, annually, as soon after the beginning of each year as practicable, a statement of the amounts expended during the preceding fiscal year for wages of mechanics and laborers employed in building, repairing, or equipping, vessels of the navy, or in receiving and securing stores and materials for those purposes; and for the purchase of materials and stores for the same purposes; a statement of the cost or estimated value of the stores on hand, under

All appropriations for building, purchasing, repairing and arming vessels for the use of the navy, and all materials, hereby transferred to one head of appropriation, to be expended, how.

Statements to be made annually of the amounts expended the preceding fiscal year, for wages of mechanics, and laborers, employed in building, re-

paying, or equip-
ping vessels of
the navy.

this appropriation, in the navy yards at the commencement of the next preceding fiscal year ; the cost, or estimated value, of articles received and expended during the year ; and the cost, or estimated value, of the articles belonging to this appropriation which may be on hand in the navy yards at the close of the next preceding fiscal year.

Provisions, materials, etc. when conducive to the public interest may be used for a different appropriation from that under which they were purchased.

§ 5. *And be it further enacted*, That, whenever in the opinion of the Secretary of the Navy it shall be conducive to the public interest to use any article of provisions, materials, or other stores, for a different appropriation from that under which they may have been purchased for the naval service, it shall be lawful for him to authorize such use, and it shall be his duty to certify to the Secretary of the Treasury, the value or cost of the articles thus used ; and the Secretary of the Treasury, is hereby authorized and required to cause the proper officers of the Treasury to transfer the amount of such cost or value upon the books of the Treasury, from the appropriation for which the articles may have been used, to the appropriation from which they may have been or may be taken, so that the actual expenditure under each may be accurately shown.

§ 6. *And be it further enacted*, That the following sum, being the unexpended balance of a former appropriation which has been carried to the credit of the surplus fund, be, and the same is hereby re-appropriated, viz :

Prize money to the officers and crew of the Brig Genl. Armstrong.

For distribution as prize money among the officers and crew of the private armed brig General Armstrong, per act of thirtieth June, eighteen hundred and thirty-four, two thousand nine hundred and seventy-five dollars and twenty cents.

Survey of the coast from Apalachicola Bay, to the Mississippi.

§ 7. *And be it further enacted*, That there be appropriated, from any money in the Treasury not otherwise appropriated, for the immediate survey of the coast from Apalachicola Bay, to the mouth of the Mississippi river, for the ascertainment of the practicability of establishing a navy yard and naval station which shall best subserve the protection of the commerce of the Gulf of Mexico, the sum of ten thousand dollars, to be expended under the direction of the Commissioners of the Navy Board.

Transfers from one head of appropriation to another, to be repaid by re-transfers on the books of the Treasury.

§ 8. *And be it further enacted*, That whenever the President of the United States shall have authorized the transfer of any moneys from any head of the naval appropriations to other heads of naval appropriations as authorized by the act of Congress approved thirtieth June eighteen hundred and thirty-four, it shall be the duty of the Secretary of the Treasury, immediately after the naval appropriations for the year shall have been made, to cause all such transfers to be repaid, by re-transfers on the books of the Treasury, so as to preserve for each appropriation the amount which were granted by Congress.

Approved, July 20th, 1840.

CHAP. 27. An act to provide for the expenses of making an exploration and survey of that part of the Northeastern boundary line of the United States which separates the States of Maine and New Hampshire from the British Provinces.

§ 1. *Be it enacted, &c.*, That the sum of twenty-five thousand <sup>\$25,000 ap-
propriated for the
survey.</sup> dollars be, and the same is hereby, appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, to enable the President of the United States to cause to be made an exploration and survey of that part of the Northeastern boundary line of the United States (and the adjacent country) which separates the States of Maine and New Hampshire from the British Provinces. *Approved, July 20th, 1840.*

RESOLUTIONS.

[No. 1.] Joint resolution authorizing the Secretary of War to continue certain clerks employed in the office of the Commissioner of Indian Affairs.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the authority given to the Secretary of War by the sixteenth clause of the first section of the act entitled "An act providing for the salaries of certain officers, therein named, and for other purposes," dated the ninth day of May, one thousand eight hundred and thirty-six, to employ two clerks in the business of reservations and grants under Indian treaties, be extended after the expiration of the period for which that authority was granted for the term of two years. *Approved, May 2d, 1840.*

Authority contained in 18th clause 1st sec act 9th May, 1836, extended for two years.
Act of Congress, 2d vol. p. 100.

[No. 3.] A resolution concerning the statue of Washington, by Greenough.

Resolved, &c. That the Secretary of the Navy be authorized and instructed to take measures for the importation and erection of the statue of Washington, by Greenough. *Approved, May 27th, 1840.*

Measures to be taken for its importation, and erection.

[No. 4.] A resolution to authorize the President to dispose of certain presents from the Imaum of Muscat and the Emperor of Morocco.

Resolved, &c., That the President of the United States be, and he is hereby, authorized to dispose, in such time and manner as he shall see fit, of all such of the presents to the Government of the United States as have been sent from the Imaum of Muscat or the Emperor of Morocco, and cannot conveniently be deposited or kept in the Department of State, and cause the proceeds thereof to be placed in the Treasury of the United States. *Approved, July 20th, 1840.*

Such as cannot conveniently be deposited in the Dep't of State to be disposed of and the proceeds placed in Treasury.

[No. 5.] Joint Resolution for the exchange of books and public documents for foreign publications.

Be it resolved, &c., That the librarian, under the supervision of

Exchange of duplicates in the Library authorized. the Committee on the Library, be authorized to exchange such duplicates as may be in the library for other books or works.

Exchange of documents authorized. Second, That he be authorized, in the same way, to exchange documents.

Documents to be printed for exchange. Third, That hereafter, fifty additional copies of the documents, printed by order of either House, be printed and bound for the purpose of exchange in foreign countries. *Approved, July 20th, 1840.*

ACTS OF THE TWENTY-SIXTH CONGRESS

1841.

OF

THE UNITED STATES ;

Passed at the Second Session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the seventh day of December, one thousand eight hundred and forty

MARTIN VAN BUREN, President. RICHARD M. JOHNSON, Vice President, and President of the Senate. ROBERT M. T. HUNTER, Speaker of the House of Representatives.

CHAP. 32. An act supplementary to an act to abolish imprisonment for debt in certain cases.

§ 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act entitled "An act to abolish imprisonment for debt in certain cases," approved February twenty-eight, eighteen hundred and thirty-nine, shall be so construed as to abolish imprisonment for debt, on process issuing out of any court of the United States, in all cases whatever, where, by the laws of the State in which the said court shall be held, imprisonment for debt has been, or shall hereafter be, abolished. *Approved, January 14th, 1841.*

Construction to be given to the act of 28th Feb. 1839.

Act of 1839, c. 309, ante p. 3760.

CHAP. 33. An act further to amend the act entitled "An act to provide for taking the sixth census or enumeration of the inhabitants of the United States," approved March third, eighteen hundred and thirty-nine.

Act of 1839, c. 354, ante p. 3764.

§ 1. *Be it enacted, &c.,* That it shall and may be lawful for such of the assistants to the marshals, in the respective States and Territories, who have not, before the passage of this act, made their respective returns to such marshals under the act hereby amended, to complete their enumerations and make their returns under the said act, at any time before the first day of May, eighteen hundred and forty-one, and for the marshals of States and Territories to make their returns to the Secretary of State at any time before the first of June, eighteen hundred and forty-one :

The time allowed for making enumerations and returns extended.

Provido.

Further proviso.

Provided, That nothing herein contained shall be deemed to release such marshals and assistants from the penalties contained in the act aforesaid, unless their returns shall be made within the time prescribed in this act: *And provided further*, That no person be included in the returns made under the present act, unless such persons shall have been inhabitants of the district for which such returns shall be made, on the first day of June, one thousand eight hundred and forty.

Construction of 11th sec. act 3d March, 1839, with regard to the printing of the returns.

§ 2. *And be it further enacted*, That so much of the eleventh section of the act for taking the sixth census as applies to the printing, under the direction of the Secretary of State, of the aggregate returns received from the marshals, be so construed as to apply equally to the census of pensioners, and the statistical aggregates returned by said marshals: *And be it further provided*, That for arranging and preparing the census of pensioners required by the thirteenth section of the act for taking the sixth census and for the compiling and supervision of the printing of the statistical returns taken under said act, there be allowed to the superintending clerk, upon the completion of the work, such compensation as the Secretary of State may deem just and equitable, not exceeding the rate heretofore allowed for compiling the statistics of the third census; and that an allowance be made to the disbursing agent of the Department of State for the extra duties which have been or may be, imposed upon him on account of the sixth census, in relation to its preparatory measures, the accounts of the marshals and the disbursements, at a rate not exceeding that allowed him for his services in relation to the fifth census, according to the time he shall have been engaged in such duties. *Approved, January, 14th, 1841.*

Extra compensation to the clerk superintending the execution of act 3d March, 1839.

Extra compensation to the disbursing agent of the Department of State.

CHAP. 34. An act to authorize the issuing of Treasury notes.

An emission of not exceeding \$5,000,000 at any one time outstanding, authorized.

To be reimbursed, when.

To be issued under the act of 19th Oct. 1837, as modified by the act of 31st March 1840.

This law to expire in one year. *Provido*, a further emission authorized upon certain contingencies.

Act of 1837 c. 2, ante p. 2637.

§ 1. *Be it enacted, &c.*, That the President of the United States is hereby authorized to cause Treasury notes to be issued for such sum or sums as the exigencies of the Government may require; but not exceeding the sum of five millions of dollars of this emission, outstanding at any one time, to be reimbursed in the last quarters of the year, if the condition of the Treasury will permit it, and to be issued under the limitations and other provisions, contained in the act, entitled "An act to authorize the issuing of Treasury notes," approved the twelfth day of October, one thousand eight hundred and thirty-seven, and as modified by an act, entitled "An act additional to the act on the subject of Treasury notes," approved the thirty-first day of March, one thousand eight hundred and forty, except that this law shall expire in one year from and after its passage: *Provided*, That in case the Treasury notes outstanding and unredeemed, issued under former laws of Congress, added to the amount of such notes issued under this act, and actually expended or issued to meet payments due and payable before the fourth day of March next,

shall, on the fourth day of March next, exceed the sum of five millions of dollars, then the President of the United States shall be, and he is hereby, authorized to issue, by virtue of the provisions of this act, such further amount of the said notes as will make the whole amount issued under this act, and applicable to payments falling due after the third day of March next, the full sum of five millions of dollars. *Approved, February 15th, 1841.*

CHAP. 36. An act to amend an act entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," passed the eighteenth day of April, one thousand eight hundred and six.

Act of 1806, c. 31, vol. 2, p. 1014.

§ 1. *Be it enacted, &c.,* That the State of Tennessee be, and hereby is, constituted the agent of the Government of the United States, with full power and authority to sell and dispose of the vacant, unappropriated, and refuse lands, within the limits of said State, lying south and west of the line commonly called the Congressional Reservation line, and described in the act to which this is an amendment; subject, nevertheless, to the following conditions and limitations, to wit:

Tennessee constituted the agent of the U. S. to dispose of certain lands within said State.

First. The State of Tennessee shall satisfy all legal and bona fide claims of North Carolina upon said lands, by making provision, by law, that the holders of land warrants under the authority of the State of North Carolina, may locate the same upon the lands not previously located upon, or claimed as occupant pre-emptions, within one year from the time that the State of Tennessee shall make provision for carrying this act into effect: and in default of such location within the said term of one year, the said warrants may be satisfied by the payment of twelve and a half cents per acre for the number of acres contained in each warrant, to be paid out of the proceeds of the sale of said land: *Provided*, The holders shall present such warrant to the proper authorities for the payment of the same within two years from the action of the Legislature of the State of Tennessee hereon: *And provided furthermore*, That if the said warrants shall not be satisfied, either by the location of land within one year, or their presentation for payment within two years as aforesaid, the holders shall be forever barred of all further claim or right to demand the same.

Tennessee to satisfy all legal and bona fide claims of North Carolina upon said lands, how.

Second. In entering, purchasing, and disposing of said lands or obtaining grants of the same, all and every person or persons, the legal representative of such person or persons, and the rightful assignee of such person or persons, as are entitled to the right of occupancy and pre-emption according to the laws of the State of Tennessee, shall have the preference in the entry or purchase of their occupant and pre-emption rights, at the price of twelve and a half cents per acre, not exceeding two hundred acres each.

Persons entitled to the right of occupancy and pre-emption by the laws of Tennessee to have the preference.

Third. After satisfying the claims and rights aforesaid, the

After satisfying the claims and rights aforesaid, Tennessee shall dispose of the residue of said lands—how.

State of Tennessee shall offer for sale the rest and residue of said lands, in such manner, in such quantities and by such description as may be most convenient; and, for the full term of three years from and after the time herein allowed for the location of North Carolina land warrants, may sell and dispose of, and perfect titles to the same, at a price not less than twelve and a half cents per acre. And so much of the said land as may remain unsold at the expiration of the said term of three years, shall be disposed, of as aforesaid, within the further term of three years, at such price per acre as it may bring in open market: *Provided*, That the proceeds of the sale of said lands, over and above so much thereof as shall be necessary to the satisfaction of said North Carolina claims, shall be accounted for and paid over by the State of Tennessee to the United States in the month of January annually. *Approved, February 18th, 1841.*

CHAP. 37. An act to make further provision for the expenses of an exploration and survey of that part of the northeastern boundary line of the United States which separates the States of Maine and New Hampshire from the British provinces.

\$75,000 in addition to the sum heretofore provided, appropriated for the completion of the exploration and survey.

§ 1. *Be it enacted, &c.*, That the sum of seventy-five thousand dollars, in addition to the sum heretofore provided, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the President of the United States to cause to be made and completed an exploration and survey of that part of the northeastern boundary line of the United States and the adjacent country, which separates the States of Maine and New Hampshire from the British Provinces.

Approved, February 27th, 1841.

CHAP. 38. An act to confirm to the State of Indiana the land selected by her for that portion of the Wabash and Erie canal which lies between the mouth of the Tippecanoe river and Terre Haute, and for other purposes.

The land selected by Indiana under act of 2d March, 1837, confirmed to her. Act of 1837, c. 208, vol. 3. p. 2062.

§ 1. *Be it enacted, &c.*, That there be, and there hereby is, confirmed to the State of Indiana, the land selected by her, under the provisions of the act of second of March eighteen hundred and twenty seven, entitled "An act to grant a certain quantity of land to the State of Indiana, for the purpose of aiding the State in opening a canal to connect the waters of the Wabash with those of Lake Erie," for that portion of the canal between the mouth of the Tippecanoe river and Terre Haute, as returned by said State to the Secretary of the Treasury.

Indiana authorized to select other lands in lieu of those subject to pre-emption, or other legal incumbrance.

§ 2. *And be it further enacted*, That should any of said lands, at the time of their selection and location by the State, have been subject to any right of pre-emption, or other legal incumbrance, the State of Indiana shall be, and she hereby is, authorized to select, of any lands subject to private entry in said State, other lands in lieu of so much thereof as may be so incumbered, and, upon return of a description of the same to the

Secretary of the Treasury, the same shall be, and hereby is, confirmed to the State: *Provided*, That no more land shall be selected, or hereby confirmed, than a quantity equal to one-half of five sections in width on each side of said canal, from the mouth of the Tippecanoe river to Terre Haute.

Proviso.

Approved, February, 27th, 1841.

- CHAP. 39. An act further to continue in force the act for the payment of horses and other property lost in the military service of the U. States.

§ 1. *Be it enacted, &c.*, That the act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved on the eighteenth day of January, eighteen hundred and thirty seven, and which was continued in force for two years from the end of the second session of the twenty fifth Congress, by an act entitled "An act to continue in force the act for the payment of horses and other property lost in the military service," approved on the seventh of July, eighteen hundred and thirty-eight, be, and the same is hereby, further continued in force for two years from the end of the present session of Congress.

A further continuation of the act of January 18th, 1837, for two years.
Act of 1837, c. 379, vol. 4. p. 2525.
Act of 1838, c. 187.

Approved, February 27th, 1841.

- CHAP. 43. An act to confirm land patents.

§ 1. *Be it enacted, &c.*, That all patents for public lands, which have been issued from the General Land Office since the passing of the act, entitled "An act for the establishment of a General Land Office in the department of the Treasury," passed on the twenty-fifth day of April, one thousand eight hundred and twelve, in the name of the President of the United States, instead of being "in the name of the United States," as prescribed in the eighth section of said act: and all patents for public lands, which have been issued from the said General Land Office since the passing of the act entitled "An act to reorganize the General Land Office," passed the fourth day of July, one thousand eight hundred and thirty-six, and which have been countersigned by the recorder of the General Land Office, or other person acting in his stead, instead of being countersigned by the Commissioner of the General Land Office, as prescribed in the act of the twenty-fifth day of April one thousand eight hundred and twelve; and all patents which have been issued from said General Land Office since the passing of the act entitled "An act prescribing the mode by which patents for public lands shall be signed and executed," passed the second day of March, one thousand eight hundred and thirty-three, and which have been subscribed by a secretary duly appointed, pursuant to the provisions of said act, with the printed or written name of the President prefixed to the personal signature of such secretary, in the execution of such patents, notwithstanding the name of the President may not have been written personally by the secretary, shall be deemed, taken, and held, good and valid patents in law, and shall have all the force and effect to pass from the United

Certain patents confirmed.
Act of 1819, c. 68, vol. 2 p. 1238.
Act of 1836, c. 352, vol. 4. p. 2492.

Act of 1833, c. 390, vol. 4. p. 2361.

States to the patentee or patentees named in such patents, respectively, their heirs, executors, administrators, and assigns, the lands described therein, as though, in each and all the respects before enumerated, the patents, in their form and manner of execution, had conformed to the requirements of law.

Patents to be countersigned by the Recorder of the General Land Office, instead of the Commissioner, as required by 8th sec. act. 25th April, 1812.

§ 2. *And be it further enacted*, That from and after the passing of this act, it shall be the duty of the recorder of the General Land Office, in addition to the duties now required of him by law, to countersign all patents issued from said office, instead of the same being countersigned by the Commissioner, as required by the eighth section of the act entitled "An act for the establishment of a General Land Office in the department of the Treasury," passed the twenty-fifth day of April, one thousand eight hundred and twelve. *Approved, March 3d, 1841.*

CHAP 46. An act making appropriations for the civil and diplomatic expenses of the Government for the year eighteen hundred and forty-one.

Compensation of custom-house officers for the year 1839, Act of 1838, c. 179, ante p. 2694

§. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he is, hereby authorized to pay, out of any money in the Treasury not otherwise appropriated, to the collectors, deputy collectors, naval officers, surveyors, and their respective clerks, together with the weighers, gaugers, measurers, and markers of the several ports of the United States, the same compensation for the year 1839 which they would have been entitled to receive if the third section of the act of July, eighteen hundred and thirty-eight, entitled "An act to provide for the support of the Military Academy of the United States for the year 1838, and for other purposes," had continued in force during said year, and subject to the provisions and restrictions therein contained: *Provided*, That nothing in this section contained shall be so construed as to give to any collector of the customs a salary for the year eighteen hundred and thirty-nine, beyond the maximum now fixed by law, of four thousand dollars.

Proviso, limiting that of collectors.

Payment of arrears to the clerks in the custom-house at Boston.

§ 3. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby authorized to pay to the clerks in the custom-house at Boston, out of any money in the Treasury not otherwise appropriated, the arrears of their salaries from eighteen hundred and thirty-two, to eighteen hundred and thirty-seven, so as to make the same equal in proportion to what they received in the last mentioned year, on the same principle as has been applied to the custom-houses at New York and Philadelphia; and the payments under this section shall be governed by what has been the practical construction of the former laws on this subject, at the Treasury Department, applicable to the last named ports;

Payment of arrears to the clerks in the custom-house at Philadelphia.

§ 4. *And be it further enacted*, That the Secretary of the Treasury be, and he hereby is, authorized and required to pay to the clerks in the custom-house at Philadelphia such sum of money as, with the amount appropriated by the general appropriation act of the third of March, eighteen hundred and thirty-nine,

will make up the arrears of their respective salaries from eighteen hundred and thirty-two to eighteen hundred and thirty-seven, the sum to be so paid being first ascertained by the proper accounting officers of the Treasury;

§ 5. *And be it further enacted*, That in addition to the account now required to be rendered by every collector of customs, naval officer and surveyor of ports, every such collector, naval officer and surveyor shall each and every year hereafter, render a quarter-yearly account, under oath, to the Secretary of the Treasury, in such form as said Secretary shall prescribe, of all sums of money by each of them respectively received or collected for fines, penalties, or forfeitures, or for seizure of goods, wares, or merchandize, or upon compromises made upon said seizure; or on account of suits instituted for frauds against the revenue laws; or for rent and storage of goods, wares or merchandize, which may be stored in the public store-house, and for which a rent is paid, beyond the rents paid by the collector or other such officer; and if from such accounting it shall appear that the money received in any one year by any collector, naval officer or surveyor, on account and for rents and storage, as aforesaid, and for fees and emoluments, shall in the aggregate, exceed the sum of two thousand dollars, such excess shall be paid by the said collector, naval officer or surveyor, as the case may be, into the Treasury of the United States, as part and parcel of the public money; and no such collector shall, on any pretence whatsoever, hereafter receive, hold or retain for himself, in the aggregate, more than six thousand dollars per year, including all commissions for duties, and all fees for storage or fees or emoluments, or any other commissions or salaries which are now allowed and limited by law. Nor shall such naval officer on any pretence whatever, in the aggregate receive, hold, or retain for himself, hereafter, more than five thousand dollars per year, including all commissions on duties, and all fees for storage, or fees or emoluments, or any other commissions or salaries which are now allowed and limited by law. Nor shall such surveyor, in the aggregate, receive, hold, or retain for himself, hereafter, more than four thousand five hundred dollars per year, including all commissions or fees or emoluments, or any other commissions or salaries which are now allowed and limited by law: *Provided*, The aggregate sums allowed per year to the several officers aforesaid shall be exclusive of the necessary expenses incident to their respective offices, in the same year, subject to the regulation of the Secretary of the Treasury;

Additional ac-
nts
to be rendered by
collectors, naval
officers, and sur-
veyors.

The excess of mo-
ney over \$2000 a
year, received for
rents, storage, &c.
to be paid into the
Treasury.

Compensation of
collectors limited
to \$6000 a year in
the aggregate.

Naval officers to
\$5000.

And surveyors to
\$4500.

Proviso: Said
sums to be exclu-
sive of necessary
office expenses.

§ 6. *And be it further enacted*, That all stores hereafter rented by the collector, naval officer, or surveyor, shall be on public account, and paid for by the collector as such, and shall be appropriated exclusively to the use of receiving foreign merchandize, subject as to the rates of storage, to regulation by the Secretary of the Treasury;

All stores hereaf-
ter rented to be on
public account,
&c.

§ 7. *And be it further enacted*, That every collector, naval

False swearing to the accounts required by the 5th section of this act with intent to deceive and defraud the Government, to be deemed perjury.

Sec. Treasury, whenever, in his opinion, the offence has been perpetrated, to direct the Dist. attorney to prosecute the offender.

Laws, inconsistent with the 5th, 6th, and 7th sections of this act, repealed.

officer, and surveyor of the several ports of the United States, who shall be guilty of false swearing in taking the oath, at the rendition of his accounts as required by the fifth section of this act to be prescribed by the Secretary of the Treasury, with the intention to deceive and defraud the Government of the United States, shall be deemed to be guilty of perjury, and liable to the same prosecution and penalty inflicted for like offences, to be tried and adjudged in any court of the United States having jurisdiction thereof, and it shall be the duty of the Secretary of the Treasury, whenever, in his opinion the said offence has been perpetrated as aforesaid, to direct the District Attorney of the United States for the district within which the same has occurred to prosecute the offender :

§ 8. *And be it further enacted*, That all laws, or parts of laws, inconsistent with the provisions of the fifth, sixth, and seventh sections of this act, are hereby repealed.

Approved, March 3d; 1841.

CHAP. 49. An act to amend the act entitled "An act to amend the act approved May thirteenth eighteen hundred, entitled 'An act to amend an act entitled 'An act to establish the judicial courts of the United States.

Act of July 30th, 1840, not applicable to the U. S. courts, for the districts of Pennsylvania. Act of 1840, c. 22. ante. p. 2808.

§ 1. *Be it enacted, &c.*, That nothing contained in the act entitled "An act to amend the act approved May thirteenth eighteen hundred entitled 'An act to amend an act entitled 'An act to establish the judicial courts of the United States'" passed the twentieth July, eighteen hundred and forty shall be deemed or taken to apply to the courts of the United States holden, or to be holden in and for the districts of Pennsylvania, but jurors in said districts shall be selected, returned and empanelled, as if the said act had not been passed.

This act limited to one year.

§ 2. *And be it further enacted*, That this act shall continue in force one year and no longer.

Approved, March 3d, 1841.

CHAP. 50. An act to abolish the port of delivery and the office of Surveyor of the Customs at Currituck Inlet in North Carolina.

The port and office abolished, and laws in conflict with this act repealed.

§ 1. *Be it enacted, &c.*, That the port of delivery and the office of Surveyor of Customs at Currituck Inlet in North Carolina be, and the same are hereby abolished, and that all laws in conflict with this act be, and the same are hereby, repealed.

Approved, March 3d, 1841.

RESOLUTION.

[No. 1.] Joint Resolution to present incorporated universities, colleges, &c., with copies of the catalogue of the Library of Congress.

One copy to each, not exceeding 300.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That one copy of the catalogue of the Library of Congress be presented

to each of the incorporated universities, colleges, athenæums, and historical societies in the United States, not exceeding three hundred in number, and to the American Antiquarian Society.

Approved, January 14th, 1841.

OF

THE UNITED STATES ;

Passed at the First Session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the thirty-first day of May, one thousand eight hundred and forty one.

JOHN TYLER, President. SAMUEL L. SOUTHARD, President of the Senate, protempore. JOHN WHITE, Speaker of the House of Representatives.

CHAP. 3. An act authorizing a loan not exceeding the sum of twelve millions of dollars.

§ 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

The President authorized to borrow \$12,000,000, at 6 per cent., the interest payable quarterly or semi-annually,

The loan to be reimbursable, when.

The money borrowed, to be applied, how.

Stock, how transferable,

Secretary Treasury, with consent of President, to cause certificates of stock to be prepared and sold.

proviso.

That the President of the United States is hereby authorized, at any time within one year from the passage of this act, to borrow, on the credit of the United States, a sum not exceeding twelve millions of dollars, or so much thereof as in his opinion the exigencies of the Government may require, at a rate of interest, payable quarterly or semi-annually, not exceeding six per centum per annum; which loan shall be made re-imbursable either at the will of the Secretary of the Treasury, after six months notice, or at any time after three years from the first day of January next; and said money so borrowed shall be applied, in addition to the money now in the Treasury, or which may be received therein from other sources, to the payment and redemption of the Treasury notes heretofore authorized, which are or may be outstanding and unpaid, and to defray any of the public expenses which have been heretofore or which may be authorized by law, which stock shall be transferable only on the books of the Treasury.

§ 2. *And be it further enacted,* That the Secretary of the Treasury be, and he is hereby, authorized, with the consent of the President, to cause to be prepared certificates of stock, signed by the Secretary and countersigned by the Register of the Treasury, for the sum to be borrowed, or any part thereof, bearing an interest not exceeding six per centum per annum, and transferable and reimbursable as aforesaid, and to cause the said certificates of stock to be sold: *Provided,* That no stock be sold below par.

§ 3. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to receive proposals for taking the said loan, or to employ an agent or agents for the purpose of negotiating the same, and to pay to him or them a reasonable commission, not exceeding one-tenth of one per cent. on the amount so negotiated, which sum to be allowed to such agent or agents, and such expense as may be necessarily incurred in printing and issuing certificates of stock, and other expenses incident to the due execution of this act, in all not exceeding twelve thousand dollars, which sum is hereby appropriated for that purpose, and shall be paid out of any money in the Treasury not otherwise appropriated.

Secretary Treasury to receive proposals for the loan, or to employ agents to negotiate the same.

Expenses incident to execution of this act, limited to \$12,000 which sum is appropriated.

§ 4. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized to purchase, at any time before the period herein limited for the redemption of stock hereby authorized, such portion thereof as the funds of the Government may admit of, after meeting all the demands on the Treasury, and any surplus in the Treasury is hereby appropriated to that object.

Secretary Treasury authorized to purchase stock prior to time of redemption.

Appropriation therefor.

§ 5. *And be it further enacted*, That the faith of the United States be, and is hereby, pledged for the punctual payment of the interest and redemption of said stock.

Faith of U. States pledged for punctual payment of interest, &c.

Approved, July 21th, 1841.

CHAP. 7.—An act to repeal the act entitled “An act to provide for the collection, safe-keeping, transfer, and disbursement of the public revenue,” and to provide for the punishment of embezzlers of public money, and for other purposes.

Act of 1840, c. 18, ante p. 2796.

§ 1. *Be it enacted, &c.* That the act entitled “An act to provide for the collection, safe-keeping, transfer, and disbursement of the public revenue,” approved on the fourth day of July, A. D. one thousand eight hundred and forty, be, and the same is hereby, repealed: *Provided, always*, That, for any offences which may have been committed against the provisions of the seventeenth section of the said act, the offenders may be prosecuted and punished according to those provisions; and that all bonds executed under the provisions of said act, and all civil rights and liabilities which have arisen or accrued under said act, and the remedies therefor, shall remain and continue as if said act had not been repealed; any thing herein contained to the contrary notwithstanding.

Act of 4th July 1840, repealed.

Proviso; offences already committed against 17th section, punishable.

Bonds, &c. not affected by the repeal.

§ 2. *And be it further enacted*, That if any officer charged with the safe-keeping, transfer, or disbursement of public moneys, or connected with the Post Office Department, shall convert to his own use, in any way whatever, or shall use by way of investment in any kind of property or merchandise, or shall loan, with or without interest, any portion of the public money entrusted to him for safe-keeping, transfer, disbursement, or for any other purpose, every such act shall be deemed and adjudged to be an embezzlement of so much of the said moneys as shall be thus taken, converted, invested, used, or loaned, which is hereby declared to be a felony; and the neglect or refusal to pay over on

Felony, for officers charged with safe-keeping, transfer, or disbursement of public moneys, or connected with Post Office Department, to use public moneys.

Neglect or refusal to pay over, transfer or disburse such moneys prima facie evidence of such use.

Punishment for said offence, and for advising, or knowingly or willingly participating therein.

Act of 22d June 1836, excepting the 13th and 14th sections, repealed.

Act of 1836, c. 115, vol. 4, p. 2445.

So much of act of 14th April, 1836 as prohibits the payment by U. States, of bank notes under certain denominations, repealed.

demand any public moneys in his hands, upon the presentation of a draft, order, or warrant drawn upon him, and signed by the Secretary of the Treasury, or to transfer or disburse any such moneys promptly according to law, on the legal requirement of a superior officer, shall be prima facie evidence of such conversion to his own use of so much of the public moneys as may be in his hands. Any officer or agent of the United States, and all persons advising, or knowingly and willingly participating in such embezzlement, upon being convicted thereof before any court of the United States of competent jurisdiction, shall, for every such offence, forfeit and pay to the United States a fine equal to the amount of the money embezzled, and shall suffer imprisonment for a term not less than six months or more than five years.

§ 3. *And be it further enacted*, That the act entitled "An act to regulate the deposits of the public money," approved on the twenty-third day of June, eighteen hundred and thirty-six, excepting the thirteenth and fourteenth sections thereof, be, and the same hereby is repealed.

§ 4. *And be it further enacted*, That so much of an act, passed the fourteenth of April, eighteen hundred and thirty-six, entitled "An act making appropriations for the payment of the Revolutionary and other pensioners of the United States, for the year eighteen hundred and thirty-six," as provides that no bank note of less denomination than ten dollars, and after the third day of March, eighteen hundred and thirty-seven, no bank note of less denomination than twenty dollars, shall be offered in payment in any case whatsoever, in which money is to be paid by the United States, or the Post Office Department, be, and the same hereby is, repealed. *Approved August 13th 1841.*

CHAP. 8.—An act to provide for the payment of Navy Pensions.

\$139,556 06 appropriated.

proviso; pensions under act 3d Mar. 1837, limited to close of next session of Congress.

No widow or children of any naval officer, seaman or marine, who may hereafter die, entitled.

No officer, seaman or marine, shall receive pay at the same time, both as a pensioner and an officer in service.

§ 1. *Be it enacted, &c.* That the sum of one hundred and thirty-nine thousand six hundred and sixty-six dollars and six cents is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the payment of pensions and half-pay chargeable on the navy pension fund: *Provided*, That all widows or children of all naval officers, seamen, or marines, now deceased, and entitled to receive or make proof of their pensions under the act of the third of March, eighteen hundred and thirty-seven, shall receive the same until the close of the next session of Congress; but no widows or children of any naval officer, seaman or marine, who may hereafter die, shall be entitled to any pension by virtue only of any provision in the said act.

§ 2. *And be it further enacted*, That no officer, seaman, or marine, entitled to a pension from the navy pension fund, who receives pay from the public treasury, shall receive more from the said fund than is sufficient to make the whole amount received from both the above-named sources equal to the pay fixed by law for the grade to which the officer, seaman, or marine may belong

as an officer in the services in which he may be engaged, during the year, so that no officer shall receive pay at the same time both as a pensioner and an officer in service.

Approved, August 16th, 1841.

CHAP. 9.—An act to establish a uniform system of bankruptcy throughout the United States.

Repealed act of 1843, c. post p.

§ 1. *Be it enacted, &c.*, That there be, and hereby is, established throughout the United States, a uniform system of bankruptcy, as follows: All persons whatsoever, residing in any State, District, or Territory, of the United States, owing debts, which shall not have been created in consequence of a defalcation as a public officer; or as executor, administrator, guardian or trustee, or while acting in any other fiduciary capacity, who shall, by petition, setting forth to the best of his knowledge and belief, a list of his or their creditors, their respective places of residence, and the amount due to each, together with an accurate inventory of his or their property, rights, and credits, of every name, kind, and description, and the location and situation of each and every parcel and portion thereof, verified by oath, or, if conscientiously scrupulous of taking an oath, by solemn affirmation, apply to the proper court, as hereinafter mentioned, for the benefit of this act, and therein declare themselves to be unable to meet their debts and engagements, shall be deemed bankrupts within the purview of this act, and may be so declared accordingly by a decree of such court; all persons, being merchants, or using the trade of merchandise, all retailers of merchandise, and all bankers, factors, brokers, underwriters, or marine insurers, owing debts to the amount of not less than two thousand dollars, shall be liable to become bankrupts within the true intent and meaning of this act, and may, upon the petition of one or more of their creditors to whom they owe debts amounting in the whole to not less than five hundred dollars, to the appropriate court, be so declared accordingly, in the following cases, to wit: whenever such persons being a merchant, or actually using the trade of merchandise, or being a retailer of merchandise, or being a banker, factor, broker, underwriter, or marine insurer, shall depart from the State, District, or Territory, of which he is an inhabitant, with intent to defraud his creditors; or shall conceal himself to avoid being arrested; or shall willingly or fraudulently procure himself to be arrested, or his goods and chattels, lands or tenements, to be attached, distrained, sequestered, or taken in execution; or shall remove his goods, chattels, and effects, or conceal them to prevent their being levied upon, or taken in execution, or by other process; or make any fraudulent conveyance, assignment, sale, gift, or other transfer of his lands, tenements, goods, or chattels, credits, or evidences of debt: *Provided, however*, That any person so declared a bankrupt, at the instance of a creditor, may, at his election, by petition to such court within ten days after its decree, be entitled to a trial by jury before such court, to ascer-

Uniform system of bankruptcy established.

All persons owing debts not created by defalcation while acting as a public officer or in a fiduciary capacity, may, upon petition to the proper court, setting forth certain facts under oath, be declared bankrupts.

Merchants, bankers, factors, brokers, underwriters, or marine insurers, owing debts amounting to \$2,000, on petition of their creditors to whom they owe \$500, to the proper court, may be declared bankrupts in certain cases.

Proviso: persons declared bankrupts at the instance of creditors, entitled to trial by jury.

Where persons reside at a great distance, the judge may direct the trial to be held in the county where they reside.

tain the fact of such bankruptcy; or if such person shall reside at a great distance from the place of holding such court, the said judge, in his discretion, may direct such trial by jury to be had in the county of such person's residence, in such manner, and under such directions, as the said court may prescribe and give; and all such decrees passed by such court, and not so re-examined, shall be deemed final and conclusive as to the subject-matter thereof.

Payments, &c. made in contemplation of bankruptcy, to give preference, or for a valuable consideration, void, and a fraud upon this act.

§ 2. *And be it further enacted*, That all future payments, securities, conveyances, or transfers of property, or agreements made or given by any bankrupt, in contemplation of bankruptcy, and for the purpose of giving any creditor, endorser, surety, or other person, any preference or priority over the general creditors of such bankrupts; and all other payments, securities, conveyances, or transfers of property, or agreements made or given by such bankrupt in contemplation of bankruptcy, to any person or persons whatever, not being a bona fide creditor or purchaser, for a valuable consideration, without notice, shall be deemed utterly void, and a fraud upon this act; and the assignee under the bankruptcy shall be entitled to claim, sue for, recover, and receive the same as part of the assets of the bankruptcy; and the person making such unlawful preferences and payments shall receive no discharge under the provisions of this act: *Provided*, That

Assignee under the bankruptcy may recover the same, as part of the assets.

Such preferences prevent a discharge.

Proviso; bona fide transactions made more than two months before the petition, valid.

Proviso; the other party having no notice of a prior act of bankruptcy.

Preference to any creditor, to prevent a discharge, without the assent of a majority in interest, of the other creditors.

Proviso; no rights of married women and minors, nor any liens, &c. valid by State laws, &c. affected.

all dealings and transactions by and with any bankrupt, bona fide made and entered into more than two months before the petition filed against him, or by him, shall not be invalidated or affected by this act: *Provided*, That the other party to any such dealings or transactions had no notice of a prior act of bankruptcy, or of the intention of the bankrupt to take the benefit of this act. And in case it shall be made to appear to the court, in the course of the proceedings in bankruptcy, that the bankrupt, his application being voluntary, has, subsequent to the first day of January last, or at any other time, in contemplation of the passage of a bankrupt law, by assignments or otherwise, given or secured any preference to one creditor over another, he shall not receive a discharge unless the same be assented to by a majority in interest of those of his creditors who have not been so preferred: *And provided, also*, That nothing in this act contained shall be construed to annul, destroy, or impair any lawful rights of married women or minors, or any liens, mortgages, or other securities on property, real or personal, which may be valid by the laws of the States respectively, and which are not inconsistent with the provisions of the second and fifth sections of this act.

All property, & rights of property of bankrupts, except as is hereinafter provided, vested in an assignee to be appointed by the proper court.

§ 3. *And be it further enacted*, That all the property and rights of property, of every name and nature, and whether real, personal or mixed, of every bankrupt, except as is hereinafter provided, who shall by a decree of the proper court, be declared to be a bankrupt within this act, shall, by mere operation of law, ipso facto, from the time of such decree, be deemed to be divested out of such bankrupt, without any other act, assignment, or

other conveyance whatsoever; and the same shall be vested, by force of the same decree, in such assignee as from time to time shall be appointed by the proper court for this purpose, which power of appointment and removal such court may exercise at its discretion, to times and places; and the assignee so appointed shall be vested with all the rights, titles, powers, and authorities, to sell, manage, and dispose of the same, and to sue for and defend the same, subject to the orders and directions of such court, as fully, to all intents and purposes, as if the same were vested in, or might be exercised by, such bankrupt before or at the time of his bankruptcy declared as aforesaid; and all suits in law or in equity, then pending, in which such bankrupt is a party, may be prosecuted and defended by such assignee to its final conclusion, in the same way, and with the same effect as they might have been by such bankrupt; and no suit commenced by or against any assignee shall be abated by his death or removal from office, but the same may be prosecuted or defended by his successor in the same office: *Provided, however,* That there shall be excepted from the operation of the provisions of this section the necessary household and kitchen furniture, and such other articles and necessities of such bankrupt as the said assignee shall designate and set apart, having reference in the amount to the family, condition, and circumstances of the bankrupt, but altogether not to exceed in value, in any case, the sum of three hundred dollars; and, also, the wearing apparel of such bankrupt, and that of his wife and children; and the determination of the assignee in the matter shall, on exception taken, be subject to the final decision of said court.

Court may appoint and remove the assignee at discretion.

Rights and powers of the assignee.

Proviso, specifying the articles excepted from the operations of this section.

§ 4. *And be it further enacted,* That every bankrupt, who shall bona fide surrender all his property, and rights of property, with the exception beforementioned, for the benefit of his creditors, and shall fully comply with and obey all the orders and directions which may from time to time be passed by the proper court, and shall otherwise conform to all the other requisitions of this act, shall (unless a majority in number and value of his creditors who have proved their debts, shall file their written dissent thereto) be entitled to a full discharge from all his debts, to be decreed and allowed by the court which has declared him a bankrupt, and a certificate thereof granted to him by such court accordingly, upon his petition filed for such purpose; such discharge and certificate not, however, to be granted until after ninety days from the decree of bankruptcy, nor until after seventy day's notice in some public newspaper, designated by such court, to all creditors who have proved their debts, and other persons in interest, to appear at a particular time and place, to show cause why such discharge and certificate shall not be granted; at which time and place any such creditors, or other persons in interest, may appear and contest the right of the bankrupt thereto: *Provided,* That in all cases where the residence of the creditor is known, a service on him personally, or by letter addressed to him

What bankrupts entitled to a full discharge from all their debts, and a certificate thereof.

Such discharge and certificate not to be granted until after a certain time, and notice to creditors, &c.

Proviso: notice how to be given where the residence is known.

What bankrupts not entitled to a discharge or certificate.

Provide: no discharge of bankrupts to release partners, &c.

Bankrupts subject to examination, under oath, in matters relating to such bankruptcy.

Perjury, to willfully and corruptly falsely swear, &c.

Such discharge and certificate, in all courts of justice, to be deemed a complete discharge, unless impeached for fraud, &c. by the bankrupt.

Bankrupts failing to obtain a discharge on the hearing of their petitions may demand a trial by jury, or appeal to the circuit court.

at his known usual place of residence, shall be prescribed by the court, as in their discretion shall seem proper, having regard to the distance at which the creditor resides from such court. And if any such bankrupt shall be guilty of any fraud or wilful concealment of his property or rights of property, or shall have preferred any of his creditors contrary to the provisions of this act, or shall wilfully omit or refuse to comply with any orders or directions of such court, or to conform to any other requisites of this act, or shall, in the proceedings under this act, admit a false or fictitious debt against his estate, he shall not be entitled to any such discharge or certificate; nor shall any person, being a merchant, banker, factor, broker, underwriter, or marine insurer, be entitled to any such discharge or certificate, who shall become bankrupt, and who shall not have kept proper books of account after the passing of this act; nor any person who, after the passing of this act, shall apply trust funds to his own use: *Provided*, That no discharge of any bankrupt under this act shall release or discharge any person who may be liable for the same debt as a partner, joint contractor, endorser, surety, or otherwise, for or with the bankrupt. And such bankrupt shall at all times be subject to examination, orally, or upon written interrogatories, in and before such court, or any commission appointed by the court therefor, on oath, or, if conscientiously scrupulous of taking an oath, upon his solemn affirmation, in all matters relating to such bankruptcy, and his acts and doings, and his property and rights of property, which, in the judgment of such court, are necessary and proper for the purposes of justice; and if in any such examination, he shall wilfully and corruptly answer, or swear, or affirm, falsely, he shall be deemed guilty of perjury, and shall be punishable therefor, in like manner as the crime of perjury is now punishable by the laws of the United States; and such discharge and certificate, when duly granted, shall, in all courts of justice, be deemed a full and complete discharge of all debts, contracts, and other engagements of such bankrupt, which are proveable under this act, and shall be and may be pleaded as a full and complete bar to all suits brought in any court of judicature whatever, and the same shall be conclusive evidence of itself in favor of such bankrupt, unless the same shall be impeached for some fraud or wilful concealment by him of his property or rights of property, as aforesaid, contrary to the provisions of this act, on prior reasonable notice specifying in writing such fraud or concealment; and if, in any case of bankruptcy, a majority, in number and value, of the creditors who shall have proved their debts at the time of hearing of the petition of the bankrupt for a discharge as hereinbefore provided, shall at such hearing file their written dissent to the allowance of a discharge and certificate to such bankrupt, or if, upon such hearing, a discharge shall not be decreed to him, the bankrupt may demand a trial by jury upon a proper issue to be directed by the court, at such time and place, and in such manner, as the court may order; or he may appeal from that decision, at any time within ten days thereafter, to the circuit court next to

be held for the same district, by simply entering in the district court, or with the clerk thereof, upon, record, his prayer for an appeal. The appeal shall be tried at the first term of the circuit court after it be taken, unless, for sufficient reason, a continuance be granted; and it may be heard and determined by said court summarily, or by a jury, at the option of the bankrupt; and the creditors may appear and object against a decree of discharge and the allowance of the certificate, as hereinbefore provided. And if, upon a full hearing of the parties, it shall appear to the satisfaction of the court, or the jury shall find that the bankrupt has made a full disclosure and surrender of all his estate, as by this act required, and has in all things conformed to the directions thereof, the court shall make a decree of discharge, and grant a certificate, as provided in this act.

§ 5. *And be it further enacted*, That all creditors coming in and proving their debts under such bankruptcy, in the manner hereinafter prescribed, the same being bona fide debts, shall be entitled to share in the bankrupt's property and effects, pro rata, without any priority or preference whatsoever, except only for debts due by such bankrupt to the United States, and for all debts due by him to persons who, by the laws of the United States, have a preference, in consequence of having paid moneys as his sureties, which shall be first paid out of the assets; and any person who shall have performed any labor as an operative in the service of any bankrupt shall be entitled to receive the full amount of the wages due to him for such labor, not exceeding twenty-five dollars; *Provided*, That such labor shall have been performed within six months next before the bankruptcy of his employer; and all creditors whose debts are not due and payable until a future day, all annuitants, holders of bottomry, and respondentia bonds, holders of policies of insurances, sureties, endorsers, bail, or other persons, having uncertain or contingent demands against such bankrupt, shall be permitted to come in and prove such debts or claims under this act, and shall have a right, when their debts and claims become absolute, to have the same allowed them; and such annuitants and holders of debts, payable in future may have the present value thereof ascertained, under the direction of such court, and allowed them accordingly, as debts in presenti; and no creditor or other person, coming in and proving his debt or other claim, shall be allowed to maintain any suit at law or in equity therefor, but shall be deemed thereby to have waived all right of action and suit against such bankrupt; and all proceedings already commenced, and all unsatisfied judgments already obtained thereon, shall be deemed to be surrendered thereby; and in all cases where there are mutual debts or mutual credits between the parties, the balance only shall be deemed the true debt or claim between them, and the residue shall be deemed adjusted by the set-off; all such proof of debts shall be made before the court decreeing the bankruptcy, or before some commissioner appointed by the court for that purpose; but such court shall have full power to set aside and

Appeal to be tried, when and how—creditors may appear and object to a discharge.

Decree of discharge may be made, and a certificate granted, upon a certain finding.

Creditors to share the bankrupt's property, pro rata, without preference.

Debts to U. States, or for money paid by sureties, to be first paid.

Operatives entitled to full amount of wages for labor, not exceeding \$25.

Proviso; it must have been performed within six months.

Debts payable at a future day, and uncertain or contingent demands, may be proved and when they become absolute, allowed.

Value of debts payable in future may be ascertained and allowed.

Suits not maintainable on debts or claims proved under this act.

In mutual debts or credits, the balance to the true debt.

Proofs of debts to be made before what court, &c.

Corporations may prove debts by an officer thereof.

Commissioners to be residents of the county where the bankrupt lives.

District courts to have jurisdiction in all matters of bankruptcy.

Jurisdiction to be exercised, how. Judge may, at discretion, adjourn any point to the circuit court.

Cases to which the jurisdiction of the district courts shall extend.

Courts may compel obedience to their orders and decrees.

District courts to prescribe rules and regulations, and forms of proceedings, subject to be altered, &c. by the circuit court.

Said courts to prescribe a tariff of fees and charges for services under this act.

All proceedings to be had in the district court for

disallow any debt, upon proof that such debt is founded in fraud, imposition, illegality, or mistake; and corporations to whom any debts are due, may make proof therefor by their president, cashier, treasurer, or other officer, who may be specially appointed for that purpose; and in appointing commissioners to receive proof of debts, and perform other duties, under the provisions of this act, the said court shall appoint such persons as have their residence in the county in which the bankrupt lives.

§ 6. *And be it further enacted*, That the district court in every district shall have jurisdiction in all matters and proceedings in bankruptcy arising under this act, and any other act, which may hereafter be passed on the subject of bankruptcy; the said jurisdiction to be exercised summarily, in the nature of summary proceedings in equity; and for this purpose the said district court shall be deemed always open. And the district judge may adjourn any point or question arising in any case in bankruptcy into the circuit court for the district, in his discretion to be there heard and determined; and for this purpose the circuit court of such district shall also be deemed always open. And the jurisdiction hereby conferred on the district court shall extend to all cases and controversies in bankruptcy arising between the bankrupt and any creditor or creditors who shall claim any debt or demand under the bankruptcy; to all cases and controversies between such creditor or creditors and the assignee of the estate, whether in office or removed; to all cases and controversies between such assignee and the bankrupt, and to all acts, matters, and things to be done under and in virtue of the bankruptcy, until the final distribution and settlement of the estate of the bankrupt, and the close of the proceedings in bankruptcy. And the said courts shall have full authority and jurisdiction to compel obedience to all orders and decrees passed by them in bankruptcy, by process of contempt and other remedial process, to the same extent the circuit courts may now do in any suit pending therein in equity. And it shall be the duty of the district court in each district, from time to time, to prescribe suitable rules and regulations, and forms of proceedings, in all matters of bankruptcy; which rules, regulations, and forms, shall be subject to be altered, added to, revised, or annulled, by the circuit court of the same district, and other rules and regulations, and forms, substituted therefor; and in all such rules, regulations, and forms, it shall be the duty of the said courts to make them as simple and brief as practicable, to the end to avoid all unnecessary expenses, and to facilitate the use thereof by the public at large. And the said courts shall, from time to time, prescribe a tariff or table of fees and charges to be taxed by the officers of the court or other persons, for services under this act, or any other on the subject of bankruptcy; which fees shall be as low as practicable, with reference to the nature and character of such services.

§ 7. *And be it further enacted*, That all petitions by any bankrupt for the benefit of this act, and all petitions by a creditor

against any bankrupt under this act, and all proceedings in the case to the close thereof, shall be had in the district court within and for the district in which the person supposed to be a bankrupt shall reside, or have his place of business at the time when such petition is filed, except where otherwise provided in this act. And upon every such petition, notice thereof shall be published in one or more public newspapers printed in such district, to be designated by such court at least twenty days before the hearing thereof; and all persons interested may appear at the time and place where the hearing is thus to be had, and show cause, if any they have, why the prayer of the said petitioner should not be granted; all evidence by witnesses to be used in all hearings before such court shall be under oath, or solemn affirmation, when the party is conscientiously scrupulous of taking an oath, and may be oral or by deposition, taken before such court, or before any commissioner appointed by such court, or before any disinterested State judge of the State in which the deposition is taken; and all proof of debts or other claims, by creditors entitled to prove the same by this act, shall be under oath or solemn affirmation as aforesaid, before such court or commissioner appointed thereby, or before some disinterested State judge of the State where the creditors live, in such form as may be prescribed by the rules and regulations hereinbefore authorized to be made and established by the courts having jurisdiction in bankruptcy. But all such proofs of debts and other claims shall be open to contestation in the proper court having jurisdiction over the proceedings in the particular case in bankruptcy; and as well the assignee as the creditor shall have a right to a trial by jury, upon an issue to be directed by such court, to ascertain the validity and amount of such debts or other claims; and the result therein, unless a new trial shall be granted, if in favor of the claims, shall be evidence of the validity and amount of such debts or other claims. And if any person or persons shall falsely and corruptly answer, swear, or affirm, in any hearing or on trial of any matter, or in any proceeding in such court in bankruptcy, or before any commissioner, he and they shall be deemed guilty of perjury, and punishable therefor in the manner and to the extent provided by law for other cases.

the district where the bankrupt resides.

At least 20 days' notice to be given before the hearing of a petition.

Persons interested may appear.

Evidence by witnesses to be under oath, &c

Proof of debts or other claims to be under oath, &c.

Such proofs open to contestation in court, &c.

Perjury to falsely and corruptly answer, swear, or affirm.

§ 8. *And be it further enacted*, That the circuit court within and for the district where the decree of bankruptcy is passed, shall have concurrent jurisdiction with the district court of the same district of all suits at law and in equity which may and shall be brought by any assignee of the bankrupt against any person or persons claiming an adverse interest, or by such person against such assignee, touching any property or rights of property of said bankrupt transferable to, or vested in, such assignee; and no suit at law or in equity shall, in any case, be maintainable by or against such assignee or by or against any person claiming an adverse interest touching the property and rights of property aforesaid, in any court whatsoever, unless the same

Circuit courts to have concurrent jurisdiction with district courts, of all suits between assignees and persons claiming an adverse interest.

Such suits not maintainable unless brought within two years.

shall be brought within two years after the declaration and decree of bankruptcy, or after the cause of suit shall first have accrued.

Sales, &c. by the assignee to be made, when and how.

§ 9, *And be it further enacted*, That all sales, transfers, and other conveyance of the assignee of the bankrupt's property, and rights of property, shall be made at such times and in such manner as shall be ordered and appointed by the court in bankruptcy; and all assets received by the assignee in money, shall, within sixty days afterwards, be paid into the court, subject to its order respecting its future safe-keeping and disposition; and the court may require of such assignee a bond, with at least two sureties, in such sum as it may deem proper, conditioned for the due and faithful discharge of all his duties, and his compliance with the orders and directions of the court; which bond shall be taken in the name of the United States, and shall, if there be any breach thereof, be sued and suable, under the order of such court, for the benefit of the creditors and other persons in interest.

Assets in money to be disposed of, how.

Assignee may be required to give bond.

Collection of assets, their reduction to money and a distribution thereof to be made as early as practicable.

§ 10. *And be it further enacted*, That in order to ensure a speedy settlement and close of the proceedings in each case in bankruptcy, it shall be the duty of the court to order and direct a collection of the assets, and a reduction of the same to money, and a distribution thereof at as early periods as practicable, consistently with a due regard to the interests of the creditors: and a dividend and distribution of such assets as shall be collected and reduced to money, or so much thereof as can be safely so disposed of, consistently with the rights and interests of third persons having adverse claims thereto, shall be made among the creditors who have proved their debts, as often as once as in six months from the time of the decree declaring the bankruptcy; notice of such dividends and distribution to be given in some newspaper or newspapers in the district, designated by the court ten days at least before the order therefor is passed; and the pendency of any suit at law or in equity, by or against such third persons, shall not postpone such division and distribution, except so far as the assets may be necessary to satisfy the same; and all the proceedings in bankruptcy in each case shall, if practicable, be finally adjusted, settled, and brought to a close, by the court within two years after the decree declaring the bankruptcy. And where any creditor shall not have proved his debt until a dividend or distribution shall have been made and declared, he shall be entitled to be paid the same amount, pro rata, out of the remaining dividends or distributions thereafter made, as the other creditors have already received, before the latter shall be entitled to any portion thereof.

Dividend and distribution to be made as often as once in six months.

Notice thereof to be given.

How far postponed by suits against third persons.

Proceedings, if practicable, to be closed in two years.

Debts not proved until a dividend has been made to be paid at the same pro rata as others, how.

Assignee, by order of the court may redeem and discharge any mortgage, &c.

§ 11. *And be it further enacted*, That the assignee shall have full authority, by and under the order and direction of the proper court in bankruptcy, to redeem and discharge any mortgage or other pledge, or deposit, or lien upon any property, real or personal, whether payable in present or at a future day, and

to tender a due performance of the conditions thereof. And such assignee shall also have authority, by and under the order and direction of the proper court in bankruptcy, to compound any debts, or other claims, or securities due or belonging to the estate of the bankrupt; but no such order or direction shall be made until notice of the application is given in some public newspaper in the district, to be designated by the court, ten days at least before the hearing, so that all creditors and other persons in interest may appear and show cause, if any they have, at the hearing, why the order or direction should not be passed.

And compound debts, &c. due the estate.

No such order to be made, until notice has been given of the application.

§ 12. *And be it further enacted*, That if any person, who shall have been discharged under this act, shall afterwards become bankrupt, he shall not again be entitled to a discharge under this act, unless his estate shall produce (after all charges) sufficient to pay every creditor seventy-five per cent. on the amount of the debt which shall have been allowed to each creditor.

Persons once discharged, becoming bankrupts again, not to be discharged, unless, &c.

§ 13. *And be it further enacted*, That the proceedings in all cases in bankruptcy shall be deemed matters of record; but the same shall not be required to be recorded at large, but shall be carefully filled, kept, and numbered, in the office of the court, and a docket only, or short memorandum thereof, with the numbers, kept in a book by a clerk of the court; and the clerk of the court, for affixing his name and the seal of the court to any form, or certifying, a copy thereof, when required thereto, shall be entitled to receive, as compensation, the sum of twenty-five cents and no more. And no officer of the court, or commissioner, shall be allowed by the court more than one dollar for taking the proof of any debt or other claim of any creditor or other person against the estate of the bankrupt; but he may be allowed, in addition, his actual travel expenses for that purpose.

Proceedings to be deemed matters of record and how to be kept.

Fees to clerk of court, for signing and sealing, or certifying.

Allowance to court officers, or commissioners, for taking proof of debts, &c.

§ 14. *And be it further enacted*, That where two or more persons, who are partners in trade, become insolvent, an order may be made in the manner provided in this act, either on the petition of such partners, or any one of them, or on the petition of any creditor of the partners; upon which order all the joint stock and property of the company, and also all the separate estate of each of the partners, shall be taken, excepting such parts thereof as are herein exempted; and all the creditors of the company, and the separate creditors of each partner, shall be allowed to prove their respective debts; and the assignees shall also keep separate accounts of the joint stock or property of the company, and of the separate estate of each member thereof; and after deducting out of the whole amount received by such assignees the whole of the expenses and disbursements paid by them, the nett proceeds of the joint stock shall be appropriated to pay the creditors of the company, and the nett proceeds of the separate estate of each partner shall be appropriated to pay his separate creditor; and if there shall be any balance of the separate estate of any

On partners in trade becoming insolvent, an order to be made, how.

Joint and separate property to be taken except, &c.

Creditors of the company, and of the partners, may prove debts. Assignees to keep separate accounts.

Nett proceeds of joint stock, to be paid to creditors of the company.

And of separate estates, to separate creditors.

Balance, of separate estate to be added to joint stock

And of joint stock to be divided among separate estates.

Certificate of discharge to each partner.

In other respects same as against one person.

Decree of bankruptcy and appointment of assignees to be recited in deeds of lands.

Such recital, &c. complete evidence of the bankruptcy and assignment.

Such deeds to be effectually pass the title of the bankrupt.

The jurisdiction, &c. conferred on district courts, hereby conferred on circuit court for District of Columbia, and supreme or superior courts of Territories.

This act to take effect from 1st February next.

partner, after the payment of his separate debts, such balance shall be added to the joint stock, for the payment of the joint creditors; and if there shall be any balance of the joint stock, after payment of the joint debts, such balance shall be divided and appropriated to and among the separate estates of the several partners, according to their respective rights and interests therein, and as it would have been if the partnership had been dissolved without any bankruptcy: and the sum appropriated to the separate estate of each partner shall be applied to the payment of his separate debts; and the certificate of discharge shall be granted or refused to each partner, as the same would or ought to be if the proceedings had been against him alone under this act; and in all other respects the proceedings against partners shall be conducted in the like manner as if they had been commenced and prosecuted against one person alone.

§ 15. *And be it further enacted*, That a copy of any decree of bankruptcy, and the appointment of assignees, as directed by the third section of this act, shall be recited in every deed of lands belonging to the bankrupt, sold and conveyed by any assignees under and by virtue of this act; and that such recital, together with a certified copy of such order, shall be full and complete evidence both of the bankruptcy and assignment therein recited, and supersede the necessity of any other proof of such bankruptcy and assignment to validate the said deed; and all deeds containing such recital, and supported by such proof, shall be as effectual to pass the title of the bankrupt, of, in, and to the lands therein mentioned and described to the purchaser, as fully to all intents and purposes, as if made by such bankrupt himself, immediately before such order.

§ 16. *And be it further enacted*, That all jurisdiction, power, and authority, conferred upon and vested in the district court of the United States by this act, in cases in bankruptcy, are hereby conferred upon and vested in the circuit court of the United States for the District of Columbia, and in and upon the supreme or superior courts of any of the Territories of the United States in cases in bankruptcy, where the bankrupt resides in the said District of Columbia, or in either of the said Territories.

§ 17. *And be it further enacted*, That this, the act shall take effect from and after the first day of February next. *Approved, August 19th, 1841.*

Act of 1838, c. 176, ante p. 2691.

1st section of act of 7th July, 1838, as to warrants issued prior to 10th August, 1840, revived and continued to 1st January, 1844.

CHAP. 10. An act further to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office.

§ 1. *Be it enacted, &c.*, That the first section of the act entitled "An act to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office," approved July seventh, eighteen hundred and thirty-eight, as to all warrants issued prior to the tenth day of

August, eighteen hundred and forty, and no others, be, and the same is hereby, received, and to continue in force until the first day of January, eighteen hundred and forty-four.

Approved August 19th 1841.

CHAP. 11. An act to authorize the recovery of fines and forfeitures incurred under the charter laws, and ordinances of Georgetown, before justices of the peace.

§ 1. *Be it enacted, &c.* That to remove all existing doubts as to the chartered powers of the Mayor, Recorder, Aldermen and Common Council of Georgetown, the said Corporation of Georgetown shall be, and they are hereby authorized and empowered to recover all fines, penalties, and forfeitures incurred, or that may be incurred, under their charter, and the laws and ordinances passed in pursuance thereof, by warrant before any justice of the peace of the District of Columbia, and execution on his judgment, in like manner, and subject to a like appeal to the Circuit Court of the District of Columbia, as in other cases of small debts. *Approved, August 19th, 1841.*

Corporation of Georgetown authorized to recover fines, &c. incurred under their charter, &c. before justices of the peace for D. C.

CHAP. 12. An act to revive and extend the charters of certain banks in the District of Columbia.

§ 1. *Be it enacted, &c.* That the charter of the Bank of the Metropolis, of the Bank of Washington, and of the Patriot Bank of Washington, in the city of Washington; the charter of the Farmers and Mechanics' Bank of Georgetown, in Georgetown; and the charters of the Farmers' Bank of Alexandria, and of the Bank of Potomac, in the town of Alexandria, be, and the same are severally and respectively hereby revived; and all the powers, rights, privileges, immunities, limitations, prohibitions, and restrictions contained in said charters are hereby renewed, extended, and made applicable in full force to each of said banks, respectively, and to the president, directors, other officers, and stockholders of each of them, in the same manner, and to the same extent as was granted and provided by the said several and respective charters, and the laws in force on the day of January, in the year eighteen hundred and thirty-eight, subject to the limitations and provisions hereinafter contained: *Provided*, Said banks shall, each for itself, from and after the passage of this act, resume and continue the payment of all its notes and specie liabilities in specie, on demand; and each and every of said banks failing to resume specie payments, as aforesaid, within ten days after the passage of this act, or having resumed specie payments again suspending or refusing to pay any of its notes or other specie liabilities in specie, when legally demanded, or shall pay out or lend out, after the first day of March next, the notes of any suspended bank, or any paper currency whatever which is not equivalent to gold and silver, shall, in the first case be excluded from all participation in the privileges and provisions of this act

Charters of Bank of Metropolis, Bk of Washington, Patriotic Bank, Farmers and Mechanics' Bank, Farmers' Bank, and Bank of Potomac, revived.

Powers, &c. renewed to the extent granted by said charters, and the laws in force on 1st Jan'y, 1838 subject to certain limitations.

Proviso: said banks to resume and continue specie payments—for failing so to do in 10 days, or again suspending or paying or lending out paper currency not equivalent to specie, in the first case, excluded from this act and in the second, forfeit the privileges granted by it.

District attorney on such suspension or refusal to take steps necessary to enforce the forfeiture and to compel such bank to wind up its concerns, under act of 3d July 1840.

and, in the second case, shall, *ipso facto*, forfeit all benefit and privilege granted by it: and it shall be the duty of the district attorney of the United States for the District of Columbia, upon information lodged with him of any such suspension or refusal to pay in specie by any of said banks, to take forthwith, the necessary and proper legal steps to enforce the forfeiture hereby provided for such refusal or suspension, and to compel every such delinquent bank to proceed to wind up his concerns, under, and agreeable to, the provisions of the act of Congress entitled "An act to continue the corporate existence of certain banks in the District of Columbia, for certain purposes," approved the third day of July, in the year eighteen hundred and forty.

Banks prohibited from making new loans, on their stock as security, and from renewing or extending such loans now existing, without other security.

President and directors liable for such loans, made or renewed with their consent.

What shall be deemed to be a consent.

Any loan to bank officers, exceeding \$10,000, to be curtailed at least 25 per cent. annually, until not over that sum—

§ 2. *And be it further enacted*, That each and every of said banks shall be, and they are hereby, expressly prohibited from making any new loan or loans whatever, upon a pledge of stock in said bank as security for the repayment of said loan; and they are hereby required, upon all loans now existing upon any such pledge of stock, to require and exact, before any renewal or extension of any such stock loan shall be granted, other sufficient security for the same, in the form, and to the extent usual in said banks upon making ordinary loans. And the president and directors of each of said banks are hereby made individually liable to all persons concerned, for the whole amount of any loan or loans hereafter made or renewed contrary to the foregoing provisions, by them, or any of them, or with their consent, from the funds of any of said banks; and the cashier of each of said banks shall keep a regular record of the attendance of the president and each director at every meeting of the board of directors of the bank of which he is cashier; and every president and director who shall be present at any meeting at which any loan upon a pledge of stock, as aforesaid, shall be made or extended, shall be deemed to have consented to the same, unless he shall at that meeting enter his protest, in writing, against said loan on the minutes of their proceedings.

Any loan to bank officers, exceeding \$10,000, to be curtailed at least 25 per cent. annually, until not over that sum—

And no new loan to be made them, which shall, including unpaid balances, exceed \$10,000.

§ 3. *And be it further enacted*, That in each and every of said banks, all loans now existing to any president, cashier, director, or other officer, either as principal or security, to a greater amount than ten thousand dollars, shall be regularly curtailed or reduced, at the rate of at least twenty-five per cent. or one-fourth of the whole amount, annually in a due proportion to each renewal at the expiration of ninety days successively, until the sum of such loan shall, in no instance, exceed the amount of ten thousand dollars aforesaid. And no new loan or loans shall hereafter, on any pretence whatever, be made to any president, cashier, director, or other officer, either as principal or security, to a greater amount in the whole including the unpaid balances of former loans than ten thousand dollars; and the same penalties, liabilities, and presumptions shall, in every case of a loan made contrary to the spirit, intent, and meaning of this section, attach of the president and directors of the bank by which said loan

shall be made, as is provided in the preceding section, in the case of loans upon a pledge of the stock of the bank making the same.

President and directors liable therefor, as in 2d section.

§ 4. *And be it further enacted*, That each and every of said banks are hereby expressly prohibited from issuing or paying out or offering in payment and bank note or other paper in discharge of their debts or liabilities of any kind on any pretence whatever, which the particular bank making the payment or tender is not, at the time of such payment, in the habit of receiving at par, in payment of all notes or other debts due and payable at said bank, under pain of forfeiting for every such offence double the sum so paid out or offered in payment of its own debt or debts; one-half to the informer, and one-half to the use of the town or city in which the offending bank may be situated, to be recovered by action of debt in any court of competent jurisdiction in the District of Columbia.

Issuing, of offering in payment, any bank note, not at the time receivable at par, prohibited, on pain of forfeiting double the sum.

Forfeiture, how to be disposed of, and how recoverable.

§ 5. *And be it further enacted*, That each and every of said banks be, and they are hereby, expressly prohibited from issuing or paying out, under any pretence whatever, any bill, note, or other paper, designed or intended to be used and circulated as money, of a less denomination than five dollars; and for any violation of the provisions of this section, the offending bank shall incur all the penalties and forfeitures to be provided and directed by the first section of this act for the case of suspension or refusal to pay in specie; to be enforced in like manner, as is directed by that section.

Issuing notes, &c. of a less denomination than \$5, prohibited.

Penalties and forfeitures incurred thereby.

§ 6. *And be it further enacted*, That each and every of the banks aforesaid shall within forty days after the passage of this act hold an election in the form and manner prescribed by their respective original charters for nine directors, which shall in future be the number of directors for each of the said banks; and the persons elected at the said election, shall severally remain in office until the recurrence of the time prescribed by the original charter of each of said banks respectively, for an annual election of directors, at which last mentioned time, and at the same time in every year thereafter, each of said banks shall make its election of directors and other officers agreeably to the provisions of its original charter, except as to the number of directors, which shall in every case hereafter be nine. And there shall be chosen for each of said banks at the special election hereby provided for, or as soon thereafter as may be in conformity to the provisions of their respective original charters, a president and such other officers as may by the particular charter be required to be elected, who shall hold their offices for the same time and in the same manner as if said charters had not expired and said officers had been chosen at the last annual election.

Election to be held in 40 days for nine directors, that to be the number in future—their term of office, and the election of directors thereafter.

Election of a president, and other officers, their term. &c.

§ 7. *And be it further enacted*, That this act shall continue in force until the fourth day of July which shall be in the year eighteen hundred and forty-four.

This act continued to 4th July, 1844.

§ 8. *And be it further enacted*, That the act entitled "An act to extend the charter of the Union Bank of Georgetown in

Act of 25th May, 1838, to extend the charter of the Union Bank, extended to 1st July, 1847.

the District of Columbia" approved the twenty-fifth day of May in the year eighteen hundred and thirty-eight, be and the same is hereby extended to the first day of July in the year eighteen hundred and forty-seven until which time the said act shall be in full force for the sole purpose of enabling the president and directors of the said bank for the time being to close its affairs.
Approved, August 25th, 1841.

CHAP. 14.—An act in addition to an act entitled an act to carry into effect a Convention between the United States and the Mexican Republic.

Secretary Treasury, on presentation of certified copies of awards to issue certificates.

§ 1. *Be it enacted, &c.*, That the Secretary of the Treasury be and he is hereby authorized upon the presentation of certified copies of such awards as have been or shall be made, in pursuance of the Convention with the Republic of Mexico, concluded at Washington, the eleventh day of April, one thousand eight hundred and thirty-nine, in favor of citizens of the United States, to issue certificates to the persons authorized to receive the sums so awarded their legal representatives and assigns in the manner directed by the seventh section of the act of Congress entitled "An act to carry into effect a convention between the United States and the Republic of Mexico such certificate to be in such form and for such portions of the sums awarded as may be convenient for the claimants and to be subject to the deductions provided for by the tenth section of said act, *Provided*, That nothing in this act shall be construed to give any rights to the claimants that are not conferred by said convention, and the act of June twelfth, one thousand eight hundred and forty; and that the substance of this proviso be inserted in the certificates that may be issued.
Approved September 1st, 1841.

Certificates in form and amount to suit claimants, and subject to certain deductions.
Proviso.

CHAP. 15.—An act to amend an act entitled "An act to provide for taking the Sixth Census, or enumeration of the inhabitants of the United States," approved March third, one thousand eight hundred and thirty-nine, and the acts amending the same.

Act of 1839, c. 351, ante p. 2764.

The time allowed for completing enumerations, and making returns—extended.

§ 1. *Be it enacted, &c.*, That it shall, and may be lawful for the marshals of the respective States and Territories, who have not, before the passage of this act, completed their enumerations, and made their returns, under the acts hereby amended, to proceed personally and by their assistants to complete such enumerations, and make such returns under the said acts; and the said assistants shall be allowed until the first day of December, one thousand eight hundred and forty-one, to complete their enumerations, and make their returns to the marshals, and the said marshals shall be allowed to make their returns to the Secretary of State, at any time before the first day of January, one thousand eight hundred and forty-two; *Provided*, That nothing herein contained shall be deemed to release such marshals and assistants from the penalties contained in the act aforesaid, unless their returns shall be made within the time prescribed in this act; *And, provided further*, That no persons be included in the returns made under the present act, unless such persons shall have been

Proviso; penalties for failure.

Proviso; persons to be returned.

inhabitants of the district for which such returns shall be made on the first day of June, one thousand eight hundred and forty; ^{30,000 copies of the compendium or abridgment of sixth census to be printed.} and the Secretary of State be, and he is hereby, authorized to cause to be printed twenty thousand copies of the compendium or abridgement of the Sixth Census, by counties and principal towns, together with the tables of apportionment as prepared at the Department of State, for the use of Congress.

§ 2. *And be it further enacted*, That the Secretary of State ^{Sixth census documents to be bound.} is hereby authorized to have the Sixth Census documents bound in a plain and substantial manner, the cost of which shall not exceed fifty cents per volume; and that the amount thereof shall be paid out of any money in the Treasury not otherwise appropriated.

§ 3. *And be it further enacted*, That it shall and may be lawful for the marshal of the State of Maryland, and he is hereby required, under the direction of the Secretary of State, to cause the number of inhabitants within Montgomery county, in the State aforesaid, to be again taken according to the directions of the act to which this is a supplement, and the same to be returned before the first day of December next, and when so taken and returned shall be considered as the correct enumeration of the inhabitants of the said county: ^{The number of inhabitants of Montgomery co. Maryland, to be again taken.} *Provided*, That nothing herein contained shall be deemed to release such marshal and his assistants from the penalties contained in the act aforesaid; ^{To be considered as the correct enumeration.} *And provided, further*, That no person be included in the returns made under the present act, unless such persons shall have been inhabitants of the district of which such returns shall be made on the first day of June, one thousand eight hundred and forty: ^{Provide; no release from penalties.} *And provided, also*, That the said corrected return shall not delay the printing of the Census; and that the said corrected return be printed by itself separately. ^{Provide; persons to be returned.} *Approved September 1st, 1841.* ^{Provide; printing of the census not to be delayed.}

CHAP. 16.—An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights.

§ 1. *Be it enacted, &c.*, That from and after the thirty-first day of December, in the year of our Lord one thousand eight hundred and forty-one, there be allowed and paid to each of the States of Ohio, Indiana, Alabama, Missouri, Mississippi, Louisiana, Arkansas, and Michigan, over and above what each of the said States is entitled to by the terms of the compacts entered into between them and the United States, upon their admission into the Union, the sum of ten per centum upon the nett proceeds of the sales of the public lands, which, subsequent to the day aforesaid, shall be made within the limits of each of said States respectively: ^{Certain States to be paid 10 per cent. on nett proceeds of sales of public lands therein, in addition to what they are entitled by certain compacts.} *Provided*, That the sum so allowed to the said States, respectively, shall be in no wise affected or diminished on account of any sums which have been heretofore, or shall be hereafter, applied to the construction or continuance of the Cumberland road, but that the disbursements for the said road ^{Provide; said sum not affected by sums applied to the Cumberland road.}

shall remain, as heretofore, chargeable on the two per centum fund provided for by compacts with several of the said States.

After deducting said 10 per cent. and what is allowed by compacts aforesaid, residue of nett proceeds of all public lands to be divided among the States, &c. of the Union; how.

§ 2. *And be it further enacted*, That after deducting the said ten per cent. and what, by the compacts aforesaid, has heretofore been allowed to the States aforesaid, the residue of the nett proceeds, which nett proceeds shall be ascertained by deducting from the gross proceeds all the expenditures of the year for the following objects: salaries and expenses on account of the General Land Office; expenses for surveying public lands; salaries and expenses in the surveyor general's offices; salaries, commissions, and allowances to the registers and receivers; the five per centum to new States, of all the public lands of the United States, wherever situated, which shall be sold subsequent to the said thirty-first day of December, shall be divided among the twenty-six States of the Union and the District of Columbia, and the Territories of Wisconsin, Iowa, and Florida, according to their respective federal representative population as ascertained by the

To be applied as Legislatures may direct.

Proviso; share of District Columbia, to education.

Proviso; nothing herein contained to prejudice future applications for a reduction of the price of the public lands, &c.

Nett proceeds of sales of public lands payable at the Treasury, half yearly, to whom.

Money due and payable by this act, to be first applied to payments of debts due U.S.

Proviso; money deposited under act 23d June, 1836, and debts growing out of transactions of revolutionary war, not included.

last census, to be applied by the Legislatures of the said States to such purposes as the said Legislatures may direct: *Provided*, That the distributive share to which the District of Columbia shall be entitled, shall be applied to free schools, or education in some other form, as Congress may direct: *And provided, also*,

That nothing herein contained shall be construed to the prejudice of future applications for a reduction of the price of the public lands, or to the prejudice of applications for a transfer of the public lands, on reasonable terms, to the States within which they lie, or to make such future disposition of the public lands, or any part thereof, as Congress may deem expedient.

§ 3. *And be it further enacted*, That the several sums of money received in the Treasury as the nett proceeds of the sales of the public lands shall be paid at the Treasury half yearly on the first day of January and July in each year, during the operation of this act, to such person or persons as the respective Legislatures of the said States and Territories, or the Governors thereof, in case the Legislatures shall have made no such appointment shall authorize and direct to receive the same.

§ 4. *And be it further enacted*, That any sum of money, which at any time may become due, and payable to any State of the Union, or to the District of Columbia, by virtue of this act, as the portion of the said State or District, of the proceeds of the sales of the public lands, shall be first applied to the payment of any debt, due, and payable from the said State or District, to the United States: *Provided*, That this shall not be construed to extend to the sums deposited with the States under the act of Congress of twenty-third June, eighteen hundred and thirty-six, entitled "an act to regulate the deposits of the public money," nor to any sums apparently due to the United States as balances of debts growing out of the transactions of the Revolutionary war.

§ 5. *And be it further enacted*, That this act shall continue

and be in force until otherwise provided by law, unless the United States shall become involved in war with any foreign Power, in which event, from the commencement of hostilities, this act shall be suspended during the continuance of such war: *Provided, nevertheless*, That if, prior to the expiration of this act, any new State or States shall be admitted into the Union, there be assigned to such new State or States, the proportion of the proceeds accruing after their admission into the Union, to which such State or States may be entitled, upon the principles of this act, together with what such State or States may be entitled, to by virtue of compacts to be made on their admission into the Union.

Length of continuation of this act.

Proviso; proportion to be assigned to new States admitted prior to the expiration of this act.

§ 6. *And be it further enacted*, That there shall be annually appropriated for completing the surveys of said lands, a sum not less than one hundred and fifty thousand dollars; and the minimum price at which the public lands are now sold at private sale shall not be increased, unless Congress shall think proper to grant alternate sections along the line of any canal or other internal improvement, and at the same time to increase the minimum price of the sections reserved; and in case the same shall be increased by law, except as aforesaid, at any time during the operation of this act, then so much of this act as provides that the nett proceeds of the sales of the public lands shall be distributed among the several States, shall, from and after the increase of the minimum price thereof, cease and become utterly null and of no effect, any thing in this act to the contrary notwithstanding: *Provided*, That if, at any time during the existence of this act, there shall be an imposition of duties on imports inconsistent with the provisions of the act of March second one thousand eight hundred and thirty-three, entitled, "An act to modify the act of the fourteenth of July, one thousand eight hundred and thirty-two, and all other acts imposing duties on imports," and beyond the rate of duty fixed by that act, to wit: twenty per cent. on the value of such imports, or any of them, then the distribution provided in this act shall be suspended and shall so continue until this cause of its suspension shall be removed, and when removed, if not prevented by other provisions of this act, such distribution shall be resumed.

Not less than \$150,000 to be appropriated annually for surveys. Minimum price at private sale not to be increased, unless, &c.

Proviso; in case of an imposition of duties on imports inconsistent with act of 2d of March, 1833, and beyond 20 per ct. the distribution provided by this act to be suspended.

§ 7. *And be it further enacted*, That the Secretary of the Treasury may continue any land district in which is situated the seat of government of any one of the States, and may continue the land office in such district, notwithstanding the quantity of land unsold in such district may not amount to one hundred thousand acres, when, in his opinion, such continuance may be required by public convenience, or in order to close the land system in such State at a convenient point, under the provisions of the act on that subject, approved twelfth June, one thousand eight hundred and forty.

Certain land districts and land offices may be continued notwithstanding ending 100,000 acres of land unsold in said districts; when.

§ 8. *And be it further enacted*, That there shall be granted to each State specified in the first section of this act five hundred

600,000 acres of land to be granted to States specified

cified in 1st sec.
for internal im-
provements.

Proviso; grants
heretofore made
for such purposes
to be included in
said 500,000.

Selections
where to be made
and how.

To be located,
how, where, and
when.

Quantity grant-
ed to new States
that shall here-
after be admitted.

Said lands not
to be sold for less
than \$1.25 per
acre.

Nett proceeds
to be faithfully
applied to inter-
nal improve-
ments — objects
specified.

Such roads, &c.,
to be free for
transportation of
U. S. mail, &c.

After the pas-
sage of this act,
certain persons,
who have since
1st June, 1840, or
shall hereafter,
settle on certain
lands, and inhabit
the same, &c.,
authorized to en-
ter 160 acres at
the minimum
price.

thousand acres of land for purposes of internal improvement :
Provided, that to each of the said States which has already re-
ceived grants for said purposes, there is hereby granted no more
than a quantity of land which shall, together with the amount
such State has already received as aforesaid, make five hundred
thousand acres, the selections in all of the said States, to be
made within their limits respectively in such manner as the Le-
gislatre thereof shall direct ; and located in parcels conformably
to sectional divisions and subdivisions, of not less than three
hundred and twenty acres in any one location, on any public
land except such as is or may be reserved from sale by any law
of Congress or proclamation of the President of the United
States, which said locations may be made at any time after the
lands of the United States in said States respectively, shall have
surveyed according to existing laws. And there shall be and
hereby is, granted to each new State that shall be hereafter ad-
mitted into the union, upon such admission, so much land as,
including such quantity as may have been granted to such State
before its admission, and while under a Territorial Government,
for purposes of internal improvement as aforesaid, as shall make
five hundred thousand acres of land, to be selected and located
as aforesaid.

§ 9. *And be it further enacted*, That the lands herein grant-
ed to the States above named shall not be disposed of at a price
less than one dollar and twenty-five cents per acre, until other-
wise authorized by a law of the United States ; and the nett pro-
ceeds of the sales of said lands shall be faithfully applied to ob-
jects of internal improvement within the States aforesaid, res-
pectively, namely : Roads, railways, bridges, canals and improve-
ment of water-courses, and draining of swamps ; and such roads,
railways, canals, bridges and water-courses, when made or im-
proved, shall be free for the transportation of the United States
mail, and munitions of war, and for the passage of their troops,
without the payment of any toll whatever.

§ 10. *And be it further enacted*, That from and after the
passage of this act, every person being the head of a family, or
widow, or single man, over the age of twenty-one years, and
being a citizen of the United States, or having filed his declara-
tion of intention to become a citizen, as required by the natura-
lization laws, who since the first day of June, A. D. eighteen
hundred and forty, has made or shall hereafter make a settlement
in person on the public lands to which the Indian title had been
at the time of such settlement extinguished, and which has been,
or shall have been, surveyed prior thereto, and who shall inhabit
and improve the same, and who has or shall erect a dwelling
thereon, shall be, and is hereby, authorized to enter with the re-
gister of the land office for the district in which such land may
lie, by legal subdivisions, any number of acres not exceeding one
hundred and sixty, or a quarter section of land, to include the
residence of such claimant, upon paying to the United States the

minimum price of such land, subject, however, to the following limitations and exceptions: No person shall be entitled to more than one pre-emptive right by virtue of this act; no person who is the proprietor of three hundred and twenty acres of land in any State or Territory of the United States, and no person who shall quit or abandon his residence on his own land to reside on the public land in the same State or Territory, shall acquire any right of pre-emption under this act; no lands included in any reservation, by any treaty, law, or proclamation of the President of the United States, or reserved for salines, or for other purposes; no land reserved for the support of schools, nor the lands acquired by either of the two last treaties with the Miami tribe of Indians in the State of Indiana, or which may be acquired of the Wyandot tribe of Indians in the State of Ohio, or other Indian reservation to which the title has been or may be extinguished by the United States at any time during the operation of this act; no sections of land reserved to the United States alternate to other sections granted to any of the States for the construction of any canal, railroad, or other public improvement; no sections or fractions of sections included within the limits of any incorporated town; no portions of the public lands which have been selected as the site for a city or town; no parcel or lot of land actually settled and occupied for the purposes of trade and not agriculture; and no lands on which are situated any known salines or mines, shall be liable to entry under and by virtue of the provisions of this act. And so much of the proviso of the act of twenty-second of June, eighteen hundred and thirty-eight or any order of the President of the United States, as directs certain reservations to be made in favor of certain claims under the treaty of Dancing-rabbit creek, be, and the same is hereby repealed: *Provided*, That such repeal shall not affect any title to any tract of land secured in virtue of said treaty.

No person entitled to more than one pre-emption right.

Certain persons shall not acquire the right of pre-emption.

Lands not liable to entry specified

So much of proviso of act 22d June, 1838, &c., as directs reservations for claims under treaty of Dancing-rabbit creek, repealed. Proviso.

§ 11. *And be it further enacted*, That when two or more persons shall have settled on the same quarter section of land, the right of pre-emption shall be in him or her who made the first settlement, provided such persons shall conform to the other provisions of this act; and all questions as to the right of pre-emption arising between different settlers shall be settled by the register and receiver of the district within which the land is situated, subject to an appeal to and a revision by the Secretary of the Treasury of the United States.

When more than one settler, right of pre-emption in the first.

Questions as to right of pre-emption between settlers, how settled.

§ 12. *And be it further enacted*, That prior to any entries being made under and by virtue of the provisions of this act, proof of the settlement and improvement thereby required, shall be made to the satisfaction of the register and receiver of the land district in which such lands may lie, agreeably to such rules as shall be prescribed by the Secretary of the Treasury, who shall each be entitled to receive fifty cents from each applicant for his services, to be rendered as aforesaid; and all assignments and transfers of the right hereby secured, prior to the issuing of the patent, shall be null and void.

Proof of settlement, &c., to be made to register and receiver

Assignments, &c., prior to issuing of patent, null and void.

§ 13. *And be it further enacted*, That before any person claiming the benefit of this act shall be allowed to enter such lands, he or she shall make oath before the receiver or register of the land district in which the land is situated, (who are hereby authorized to administer the same,) that he or she has never had the benefit of any right of pre-emption under this act; that he or she is not the owner of three hundred and twenty acres of land in any State or Territory of the United States, nor hath he or she settled upon and improved said land to sell the same on speculation, but in good faith to appropriate it to his or her own exclusive use or benefit; and that he or she has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which he or she might acquire from the Government of the United States, should enure in whole or in part, to the benefit of any person except himself or herself; and if any person taking such oath shall swear falsely in the premises, he or she shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he or she may have paid for said land, and all right and title to the same; and any grant or conveyance which he or she may have made, except in the hands of bona fide purchasers, for a valuable consideration, shall be null and void. And it shall be the duty of the officer administering such oath to file a certificate thereof in the public land office of such district, and to transmit a duplicate copy to the General Land Office, either of which shall be good and sufficient evidence that such oath was administered according to law.

Oath. required by persons claiming benefit of this act.

Persons swearing falsely subject to pains and penalties of perjury, &c.

Duty of the officer administering the oath.

Sales of lands not delayed by this act.

This act not available to persons failing to make proof of payment, &c. before, &c.

Persons who have or may settle certain lands, with the intent to purchase under this act, required to file with the register a statement describing the land and declaring such intention, &c.

§ 14. *And be it further enacted*, That this act shall not delay the sale of any of the public lands of the United States beyond the time which has been, or may be, appointed by the proclamation of the President, nor shall the provisions of this act be available to any person or persons who shall fail to make the proof and payment, and file the affidavit required before the day appointed for the commencement of the sales as aforesaid.

§ 15. *And be it further enacted*, That whenever any person has settled or shall settle and improve a tract of land, subject at the time of settlement to private entry, and shall intend to purchase the same under the provisions of this act, such person shall in the first case, within three months after the passage of the same, and in the last within thirty days next after the date of such settlement, file with the register of the proper district a written statement, describing the land settled upon, and declaring the intention of such person to claim the same under the provisions of this act; and shall, where such settlement is already made within twelve months after the passage of this act, and where it shall hereafter be made, within the same period after the date of such settlement, make the proof, affidavit, and payment herein required; and if he or she shall fail to file such written statement as aforesaid, or shall fail to make such affidavit, proof, and payment, within the twelve months aforesaid, the

tract of land so settled and improved shall be subject to the entry of any other purchaser.

§ 16. *And be it further enacted*, That the two per cent. of the nett proceeds of the lands sold, or that may hereafter be sold, by the United States in the State of Mississippi, since the first day of December, eighteen hundred and seventeen, and by the act entitled "An act to enable the people of the western part of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," and all acts supplemental thereto reserved for the making of a road or roads leading to said State, be, and the same is hereby relinquished to the State of Mississippi, payable in two equal instalments; the first to be paid on the first of May eighteen hundred and forty-two, and the other on the first of May eighteen hundred and forty-three, so far as the same may then have accrued, and quarterly, as the same may accrue, after said period: *Provided*, That the Legislature of said State shall first pass an act declaring their acceptance of said relinquishment in full of said fund, accrued and accruing, and also embracing a provision, to be unalterable without the consent of Congress, that the whole of said two per cent. fund shall be faithfully applied to the construction of a railroad, leading from Brandon, in the State of Mississippi, to the eastern boundary of said State, in the direction, as near as may be of the towns of Selma, Cahaba, and Montgomery in the State of Alabama.

The two per cent. of the nett proceeds of lands that have been or may be, sold by the United States in Mississippi, since 1st December, 1817, and reserved for a road or roads leading to said State, relinquished to Mississippi—payable when.

Proviso; Mississippi first to pass an act accepting the same and embracing a certain provision for its application.

Act of 1837, c. 136, vol. 3, p. 1690.

§ 17. *And be it further enacted*, That the two per cent. of the nett proceeds of the lands sold by the United States, in the State of Alabama, since the first day of September eighteen hundred and nineteen, and reserved by the act entitled "An act to enable the people of the Alabama Territory to form a constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States" for the making of a road or roads leading to the said State, be, and the same is hereby, relinquished to the said State of Alabama payable in two equal instalments, the first to be paid on the first day of May eighteen hundred and forty-two, and the other on the first day of May, eighteen hundred and forty three, so far as the same may then have accrued, and quarterly as the same may thereafter accrue: *Provided*, That the Legislature of said State shall first pass an act declaring their acceptance of said relinquishment, and also embracing a provision, to be unalterable without the consent of Congress, that the whole of said two per cent. fund shall be faithfully applied, under the direction of the Legislature of Alabama, to the connection, by some means of internal improvement, of the navigable waters of the bay of Mobile with the Tennessee river, and to the construction of a continuous line of internal improvements from a point on the Chattahoochee river, opposite West Point, in Georgia, across the State of

The two per cent. of the nett proceeds of lands sold by United States in Alabama, since 1st of September, 1819, and reserved for a road or roads leading to said State, relinquished to Alabama—payable when.

Proviso; Alabama first to pass an act accepting the same, and embracing a certain provision for its application.

Alabama, in a direction to Jackson in the State of Mississippi.
Approved, September 4th, 1841.

CHAH. 18. An act to provide for placing Greenough's statue of Washington in the Rotunda of the Capitol, and for expenses therein mentioned.

Accounts of H. Greenough to be settled, how.

§ 1. *Be it enacted, &c.,* That the accounts of Horatio Greenough for expenses incurred in the execution of the pedestrian statue of Washington, authorized by a resolution of Congress, February thirteenth, eighteen hundred and thirty-two, and the accounts and charges for freight of the same to the United States, be settled under the direction of the Secretary of State, according to the rights of the claimants under their several contracts liberally construed: *Provided*, That not more than six thousand five hundred dollars shall be allowed the said Greenough in the event that the Secretary of State, under such construction as aforesaid, shall consider him entitled to charge the same; and not more than eight thousand six hundred dollars for the freight aforesaid, and detention of the ship, and for an iron railing around the statue, including the sum of fifteen hundred dollars assumed to be paid by the said Greenough in addition to the original contract as made by Commodore Hull; and the sum of fifteen thousand one hundred dollars, or as much thereof as may be necessary, is hereby appropriated for the purposes aforesaid.

Provided.

§ 5,000 appropriated for erecting the statue.

§ 2. *Be it further enacted*, That the sum of five thousand dollars, or as much thereof as may be necessary, is hereby appropriated, for the purpose of removing the said statue from the navy yard at Washington, and for erecting the same in such part of the Rotunda of the Capitol, as may be deemed best adapted for the same by the Secretary of the Navy; in accordance with the joint resolution of Congress of the twenty-seventh of May, eighteen hundred and forty, any thing designating the particular spot contained in the act of fourteenth July, eighteen hundred and thirty-two, to the contrary notwithstanding.

Approved, September 9th, 1841.

CHAP. 19. An act authorizing the transmission of letters and packets to and from Mrs. Harrison, free of postage.

Franking privilege granted.

§ 1. *Be it enacted, &c.,* That all letters and packets carried by post to and from Mrs. Harrison, relict of the late William Henry Harrison, be conveyed free of postage during her natural life. *Approved, September 9th, 1841.*

CHAP. 23. An act to provide for repairing the Potomac Bridge.

§15,806 appropriated, in addition to the sums heretofore appropriated and unexpended.

§ 1. *Be it enacted &c.,* That the sum of fifteen thousand eight hundred and six dollars be, and the same is hereby, appropriated, in addition to the sums heretofore appropriated and unexpended, for the repair of the Potomac bridge in the District of Co-

lumbia, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. *And be it further enacted*, That the said sums shall be expended under the direction of the Secretary of War, in the following manner, to wit: He shall designate some competent officer of the Engineer corps to draw plans and make specifications of the work to be performed, and estimates of the cost or value thereof, which shall not exceed the sum of forty-five thousand eight hundred and six dollars; the officer thus selected, shall lay his plans, specifications, and estimates before the Secretary of War for his approval, and the said Secretary shall thereupon cause the work to be constructed upon the plan most approved by him, under the immediate superintendence of some competent officer of either Engineer corps, who shall make all necessary contracts for materials and labor, and cause the work to be constructed in the best and most substantial manner within the estimates and according to the plan approved by the Secretary of War, and under the orders and general direction of said Secretary, who will, from time to time, cause such advances of the amounts for this object appropriated as he may deem necessary and proper.

To be expended under the direction of the Secretary of War; how,

§ 3. *And be it further enacted*, That the timbers, or such of them as the superintending engineer may think fit, shall be mineralized, and a sum not exceeding three and a half cents per cubic foot is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expense and cost thereof, the proper amount to be paid on the requisition of the Secretary of War, founded on the estimate of the superintendent. *Approved, September 11th, 1841.*

Mineralizing of the timbers authorized. Appropriation therefor.

CHAP. 24.—An act relating to duties and drawbacks.

§ 1. *Be it enacted, &c.*, That on all articles imported into the U. States from and after the thirtieth day of September, 1841, there shall be laid, collected, and paid on all articles which are now admitted free of duty, or which are chargeable with a duty of less than twenty per centum ad valorem, a duty of twenty per cent. ad valorem, except on the following enumerated articles, that is to say: muriatic acid, sulphuric acid or oil of vitriol, alum, tartaric acid, aquafortis, blue vitriol, calomel, carbonate of soda, corrosive sublimate, combs, copperas, indigo, nitrate of lead, red and white lead, dry or ground in oil, sugar of lead, manganese, sulphate of magnesia, bichromate of potash, chromate of potash, prussiate of potash, glauber salts, rochelle salts, sulphate of quinine, refined saltpetre, which shall pay respectively the same rates of duty imposed on them under existing laws; and the following articles shall be exempt from duty, to wit: tea and coffee, all painting and statuary, the production of American artists residing abroad; all articles imported for the use of the United States, and the following articles, when specifically imported by order, for the use of any society incorporated or established for philosophical or literary purposes, or for the encouragement of the fine arts, or by order and for the use of any college, academy, school

After the 30th September 1841, free articles, and those at a duty of less than 20 per cent. ad valorem, shall pay 20 per cent. ad valorem, except certain articles which remain the same.

Articles to be exempted from duty.

Articles to be exempt from duty in certain cases.

or seminary of learning, in the United States, to wit: philosophical apparatus, instruments, books, maps, charts, statues, busts of marble, bronze, alabaster, or plaster of Paris casts, paintings, drawings, engravings, specimens of sculpture, cabinets of coins, gems, medals, and all other collections of antiquities, statuary, modelling, painting, drawing, etching, or engraving; and, also, all importations of specimens in natural history, mineralogy, botany, and anatomical preparations, models of machinery, and the models of other inventions, plants and trees, wearing apparel, and other personal baggage in actual use, and the implements or tools of trade of persons arriving in the United States; crude antimony, regulus of antimony, animals imported for breed, argol, gum arabic, aloes, ambergris, bole armenian, arrow root annotto, anniseed, oil of anniseed, amber, assafoetida, ara root, alcornoque, alba canella, bark of cork tree unmanufactured, burr stones unwrought, brass in-pigs or bars, old brass, only fit to be remanufactured, brimstone or sulphur, barrilla, braziletto, boracic acid, Burgundy pitch, berries used for dyeing, smaltz, lasting or prunella, used in the manufacture of buttons and shoes, vanilla beans, balsam tolu, gold and silver coins and bullion, clay unwrought, copper imported in any shape for the use of the mint, copper in pigs, bars, or plates, or plates or sheets, of which copper is the material of chief value, suited to the sheathing of ships, old copper, fit only to be re-manufactured, lapis calaminaris, cochineal, chamomile flowers, coriander seed, catsup, cantharides, castanas, chalk, coculus indicus, colombo root, cummin seed, cascarilla, cream of tartar, vegetables, and nuts of all kinds used principally in dyeing and composing dyes, lac-dye, emery, epaulets and wings of gold or silver, furs undressed of all kinds, flaxseed or linseed, flax unmanufactured, fustic, flints, ground flint grindstones, gamboge, raw hides, hemlock, henbane, horn plates for lanterns, ox and other horns, Harlem oil, hartshorn, hair unmanufactured, hair pencils, ipecacuanha, ivory unmanufactured, iris root, juniper berries, oil of juniper, kelp, kermes, madder, madder root, musk, manna, marrow and other soap stocks, and soap stuffs, palm oil, mohair, mother of pearl, needles, nux vomica, orris root, oil of almonds, opium, palm leaf, platina, Peruvian bark, old pewter fit only to be remanufactured, plaster of Paris, quicksilver, rags of any kind of cloth, India rubber, reeds unmanufactured, rhubarb, rotten stone, elephants and other animals teeth, polishing stones, bristles, ratans unmanufactured, raw and undressed skins, spelter, crude saltpetre, gum Senegal, saffron, shellac, soda ash, sponges, sago, sarsaparilla, senna, sumac, tapioca, tamarinds, crude tartar, teutenegue, tin foil, tin in pigs, bars, plates, or sheets, tips of bone or horn, tortoise shell, turmeric, weld, woad or pastel, Brazil wood, Nicaragua wood, red wood, cam wood, log wood, dye woods of all kinds, unmanufactured woods of any kind, except rose wood, satin wood, and mahogany, whale and other fish oils of American fisheries, and all other articles the produce of said fisheries, and zinc; and, also, wool unmanufactured, the value

whereof at the place of exportation shall not exceed eight cents per pound; *Provided*, That if any fine wool be mixed with dirt or other material, and thus be reduced in value to eight cents per pound or under, the appraisers shall appraise said wool at such price as in their opinion it would have cost had it not been so mixed, and a duty thereon shall be charged in conformity with such appraisal: *And provided further*, That when wool of different qualities is imported in the same bale, bag or package, and any part thereof is worth more than eight cents a pound, valued as aforesaid, that part shall pay a duty of twenty per centum ad valorem: *Provided*, That boards, planks, staves, scantling, sawed timber, and all other descriptions of wood which shall have been wrought into shapes that fit them respectively for any specific and permanent use, without further manufacture, shall be deemed and taken as manufactured wood.

Proviso relative to fine wool, mixed with dirt, &c.

Proviso relative to wool of different qualities in the same bale.

Proviso; what shall be deemed manufactured wood.

§ 2. *And be it further enacted*, That there shall be levied, collected, and paid on each and every non-enumerated article which bears a similitude either in material, quality, texture, or the use to which it may be applied, to any enumerated article chargeable with duty, the same rate of duty which is levied and charged on the enumerated article which it most resembles in any of the particulars before mentioned; and if any non-enumerated article equally resembles two or more enumerated articles on which different rates of duty are now chargeable, there shall be levied, collected, and paid on such non-enumerated article the same rate of duty as is chargeable on the article which it resembles paying the highest duty; and on all articles manufactured from two or more materials, the duty shall be assessed at the highest rates at which any of its component parts may be chargeable: *Provided*, That, if in virtue of this section, any duty exceeding the rate of twenty per centum ad valorem, shall be levied prior to the thirtieth of June, eighteen hundred and forty-two, the same shall not in any wise affect the disposition of the proceeds of the public lands as provided for by an act passed at the present session of Congress: *And provided, further*, That no duty higher than twenty per centum ad valorem in virtue of the said section, shall be levied and paid on any unmanufactured article.

Duty on non-enumerated articles.

Duty on articles manufactured from two or more materials.

Proviso relative to the disposition of the proceeds of the public lands.

Proviso; duty on manufactured articles not to exceed 20 per cent.

§ 3. *And be it further enacted*, That from and after the passage of this act, the drawbacks payable on exported refined sugars, manufactured from foreign sugars, and on exported rum, distilled from foreign molasses, shall be reduced in proportion to the reduction which shall have been made by law, (after the passage of the acts of Congress of the twenty-first of January, eighteen hundred and twenty-nine, and twenty-ninth of May, eighteen hundred and thirty, allowing said drawbacks) in the duties on the imported sugars and molasses, out of which the same shall have been manufactured or distilled, and in no case shall the drawback exceed the amount of import duty paid on either of those articles.

Drawbacks on certain sugars and rum to be reduced—how.

§ 4. *And be it further enacted*, That prior to the second day of February next, the wines of France shall not be subjected,

Duty on French wines prior to 2d February next.

Proviso; duty
on red wines of
Austria.

under the provisions of this act or any existing law, to the payment of higher rates of duty than the following, namely, on red wines in casks six cents a gallon; white wines in casks ten cents a gallon, and French wines of all sorts in bottles, twenty-two cents per gallon: *Provided*, That no higher duty shall be charged under this act, or any existing law, on the red wines of Austria, than are now, or may be, by this act levied upon the red wines of Spain, when the said wines are imported in casks.

Act 14th July,
1832, relative to
railroad iron, re-
pealed; and a du-
ty of 20 per cent.
laid on said iron.

Proviso except-
ing certain iron.

§ 5. *And be it further enacted*, That the act entitled "An act to release from duty, iron, prepared for, and actually laid on railways or inclined planes," approved fourteenth July, eighteen hundred and thirty-two, be, and the same is hereby, repealed, and there shall be laid, collected, and paid, on such iron hereafter imported, a duty of twenty per centum ad valorem: *Provided*, That such repeal shall not operate, nor shall such duties be imposed on any railroad iron, which shall be imported under the provisions of the said act prior to the third day of March, eighteen hundred and forty-three, and laid down on any railroad or inclined planes of which the construction has been already commenced, and which shall be necessary to complete the same.

This act not to
apply to goods
shipped in certain
vessels.

§ 6. *And be it further enacted*, That nothing in this act contained, shall apply to goods shipped in a vessel bound to any port of the United States, actually having left her last port of landing eastward of the Cape of Good Hope, or beyond Cape Horn, prior to the first day of August, eighteen hundred and forty-one.

Laws and parts
of laws inconsis-
tent with this act,
repealed.

§ 7. *And be it further enacted*, That all laws or parts of laws inconsistent with this act are hereby repealed.

Approved, September 11th, 1841, .

Act of 1838,
c. 179, ante p. 2694

CHAP. 25.—An act to repeal a part of the sixth section of the act, entitled "An act to provide for the support of the Military Academy of the United States, for the year eighteen hundred and thirty-eight, and for other purposes," passed July seventh, eighteen hundred and thirty-eight.

That part thereof
relative to the in-
vestment of the
interest on the
Smithsonian be-
quest, repealed.

§ 1. *Be it enacted, &c.* That so much of the sixth section of an act entitled "An act to provide for the support of the Military Academy of the United States for the year eighteen hundred and thirty-eight, and for other purposes," as requires the Secretary of the Treasury to invest the annual interest accruing on the investment of the money arising from the bequest of the late James Smithson, of London, in the stocks of States, be, and the same is hereby repealed. And the Secretary of the Treasury shall, until Congress shall appropriate said accruing interest to the purposes prescribed by the testator for the increase and diffusion of knowledge among men, invest said accruing interest in any stock of the United States bearing a rate of interest not less than five per centum per annum.

Said interest to
be invested in U.
States stock.

Funds held in
trust by United

§ 2. *And be it further enacted*, That all other funds held in trust by the United States, and the annual interest accruing there-

on, when not otherwise required by treaty, shall in like manner be invested in stocks of the United States, bearing a like rate of interest. States, and the interest, to be invested in United States stock.

§ 3. *And be it further enacted*, That the three clerks, authorized by the act of June twenty-third, eighteen hundred and thirty-six, "to regulate the deposits of the public money," be, and hereby are, directed to be retained and employed in the Treasury Department, as provided in said act, until the state of the public business becomes such that their services can conveniently be dispensed with. Clerks authorized by act of 23d June, 1836, to be retained, &c. Act of 1836, c. 115, vol. 4, p. 9445.

Approved September 11th, 1841.

RESOLUTIONS.

[No. 1.] A resolution manifesting the sensibility of Congress upon the event of the death of William Henry Harrison, late President of the United States.

The melancholy event of the death of William Henry Harrison, the late President of the United States, having occurred during the recess of Congress and the two Houses sharing in the general grief and desiring to manifest their sensibility upon the occasion of that public bereavement, therefore Preamble.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the chairs of the President of the Senate and of the Speaker of the House of Representatives be shrouded in black during the residue of the session; and that the President pro tempore of the Senate, the Speaker of the House of Representatives, and the members and officers of both Houses, wear the usual badge of mourning for thirty days. Presiding officers' chairs to be shrouded in black. The usual badge of mourning to be worn.

Resolved, That the President of the United States be requested to transmit a copy of these resolutions to Mrs. Harrison and to assure her of the profound respect of the two Houses of Congress for her person and character, and of their sincere condolence on the late afflicting dispensation of Providence. [*Approved, June 14th, 1841.* President United States to send a copy hereof to Mrs. Harrison, &c.]

[No. 2.] A resolution relating to the light-boats now stationed at Sandy Hook and Bartlett's reef.

Resolved, &c. That the Secretary of the Treasury be, and he is hereby authorized, if upon full inquiry he deem it expedient, to cause the light-boat now stationed at Sandy Hook to be removed, and to be placed near Bartlett's reef, in Long Island Sound; and whenever the same shall be so removed and placed to cause the light-boat now at Bartlett's reef to be removed, and placed, if he deem it expedient, near Execution Rocks, in Long Island Sound, with a bell only for the latter vessel, to be so fixed as to be rung by the motion of the sea. *Approved, August 25th, 1841.* Secretary of the Treasury may change their stations, if on full enquiry, he deem it expedient.

[No. 5.] A resolution in relation to the purchase of domestic water-rotted hemp for the use of the United States Navy.

Purchase of domestic water-rotted hemp for the navy—directed.

§ 1. *Resolved, &c.* That the Secretary of the Navy be, and he hereby is, directed to purchase domestic water-rotted hemp for the use of the United States Navy, so far as the same shall be found of suitable quality, and can be used beneficially to the service, having regard to the cost, strength, and durability of the article; and for that purpose shall cause purchases of such hemp to be made in the different hemp-growing regions of the Union.

This resolution to remain in force for 7 years.

§ 2. *And be it further resolved,* That this joint resolution shall be and remain in force for the period of seven years from the passing thereof. *Approved, September 11th, 1841.*

[No.] 6. Joint resolution making it the duty of the Attorney General to examine into the titles of the lands or sites for the purpose of erecting thereon armories and other public works and buildings, and for other purposes.

Attorney General to make the examination and report to the President.

1. *Resolved, &c.,* That it shall be the duty of the Attorney General of the United States to examine into the titles of all the lands or sites which have been purchased by the United States, for the purpose of erecting thereon armories, arsenals, forts, fortifications, navy yards, custom houses, light-houses, or other public buildings of any kind whatever, and report his opinion as to the validity of the title in each case, to the President of the United States.

Title-papers to be furnished to the Attorney General.

2. *Resolved,* That it shall be the duty of all the officers of the United States having any of the title-papers to the property aforesaid in their possession, to furnish them forthwith to the Attorney General, to aid him in the investigation aforesaid.

Public money not to be expended on any site or land hereafter purchased, until, &c.

3. *Resolved,* That no public money shall be expended upon any site or land hereafter to be purchased by the United States for the purposes aforesaid, until the written opinion of the Attorney General shall be had in favor of the validity of the title, and also the consent of the Legislature of the State in which the land or site may be shall be given to said purchaser.

District Attorneys to furnish assistance.

4. *Resolved,* That it shall be the duty of the District Attorneys of the United States, upon the application of the attorney General, to furnish any assistance or information in their power in relation to the titles of the public property aforesaid lying within their respective districts.

Secretaries of the Executive Departments to procure additional evidence when.

5. *Resolved,* That it shall be the duty of the Secretaries of the Executive Departments, upon the application of the Attorney General, to procure any additional evidence of title which he may deem necessary, and which may not be in the possession of the officers of Government; the expense of procuring which to be paid out of the appropriations made for the contingencies of the Department respectively.

Secretaries of the Executive Departments to apply to the State Legislatures for

6. *Resolved,* That it shall be the duty of the Secretaries of the Executive Departments, respectively, under whose direction any lands for the purposes aforesaid may have been purchased and

over which the United States do not possess jurisdiction, to apply to the Legislatures of the States in which the lands are situated, for a cession of jurisdiction, and in case of refusal to report the same to Congress at the commencement of the next session thereafter. *Approved, September 11th, 1841.*

OF

THE UNITED STATES;

Passed at the Second Session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the sixth day of December, one thousand eight hundred and forty-one

JOHN TYLER, President. SAMUEL L. SOUTHARD, President of the Senate, protempore. JOHN WHITE, Speaker of the House of Representatives.

CHAP. 27. An act to authorize an issue of Treasury notes.

§ 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

An emission of not exceeding \$5,000,000 at any one time outstanding, authorized.

That the President of the United States is hereby authorized to cause Treasury notes to be issued for such sum or sums as the exigencies of the Government may require, and in place of such of the same as may be redeemed to cause others to be issued, but not exceeding the sum of five millions of dollars of this emission out standing at any one time, and to be issued under the limitations and other provisions contained in the act entitled "An act to authorize the issue of Treasury notes," approved the twelfth of October, one thousand eight-hundred and thirty-seven, except that the authority hereby given to issue Treasury notes shall expire at the end of one year from the passage of this act.

To be issued under the provisions of the act of 12th October, 1837, except that the authority to issue shall expire at the end of one year.

Act of 1837, c. 2, ante p. 2637.

Approved, January 31st, 1842.

CHAP. 30. An act to provide for the early disposition of the lands lying in the State of Alabama, acquired from the Cherokee Indians by the treaty of twenty-ninth of December, eighteen hundred and thirty-five.

§ 1. *Be it enacted, &c.,* That all that part of the territory acquired from the Cherokee Indians by the treaty of New Echota of twenty-ninth December, eighteen hundred and thirty-five, within the State of Alabama, which lies west of the line dividing ranges two and three east of the basis meridian of Huntsville, shall be added to and form a part of said district; and all the territory acquired by the said treaty within the said State not attached to the Huntsville district, as above described, shall be annexed to and form a part of the Coosa land district in said State.

Said lands to be added to the Huntsville and Coosa district.

§ 2. *And be it further enacted*, That the land office for the Coosa land district, at present located at Mardisville, shall be removed to Lebanon in the county of De Kalb. *Approved, March 4th, 1842.*

Land office for the Coosa district to be removed.

CHAP. 31. An act to authorize the Judge of the District Court for the eastern District of Pennsylvania, to hold a special session of the said court.

§ 1. *Be it enacted, &c.* That the Judge of the District Court for the Eastern District of Pennsylvania be, and he is hereby, authorized to hold a special session of the said court at a time to be by him designated, in lieu of the regular session which was appointed by law to be begun and held on the third Monday of February, one thousand eight hundred and forty-two, but was prevented by a vacancy in the office of district judge; and the marshal, clerk, and all other officers of the said court are hereby enjoined and required to make all needful arrangements for carrying into effect the provisions of this act. *Approved, March 19th, 1842.*

Special session authorized.

Needful arrangements to be made.

CHAP. 32. An act supplementary to an act entitled An act to amend the act approved May thirteenth, one thousand eight hundred, entitled An act to amend an act entitled an act to establish the judicial courts of the United States.

Act of 1841, c. 49, ante p. 2834.

§ 1. *Be it enacted, &c.*, That the judges of the courts of the United States in the State of Pennsylvania be, and they hereby are, authorized to appoint, when they deem it necessary, one or more commissioners, in the different cities and counties, or any of them of the districts in which their courts are held, who shall have power, by virtue of such appointment, to select from the taxable citizens residing within the limits of the said counties and cities, a number (to be designated from time to time by the said judges) of sober, judicious, and intelligent persons, to serve as jurors in the said courts; and the commissioners so appointed shall return the names by them selected to the marshal of the proper district; whereupon, the said courts shall, by due appointments, rules and regulations, conform the further designation and the empannelling of juries in substance to the laws and usages which may be in force in such State. *Approved, March 19th, 1842.*

Appointment of commissioners to select persons to serve as jurors, authorized.

Names of those selected to be returned to the marshals.

Further designation, &c. of juries.

CHAP. 33. An act to authorize the Governors of the States of Illinois, Arkansas and Missouri to cause to be selected the lands therein mentioned.

Act of 1841, c. 18, ante p. 2843.

§ 1. *Be it enacted, &c.* That so much of the eight section of the act entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emptions, approved September fourth, eighteen hundred and forty-one, as provides that the selections of the grants of land made to the several States, therein mentioned, for the purposes of internal improvement, shall be made, respectively, in such manner as the Legislatures

The 8th sec. act 4th Sept. 1841, so far as relates to the selection of lands therein mentioned, modified.

thereof shall direct, is so far modified as to authorize the Governors of the States of Illinois, Arkansas and Missouri to cause the selections to be made for those States without the necessity of convening the Legislatures thereof for that purpose. *Approved, March 19th, 1842.*

CHAP. 45. An act to amend the several acts establishing a district court of the United States at Jackson, in the District of West Tennessee.

District court at Jackson attached to the 8th judicial circuit.

Its powers and jurisdiction.

Associate justice of supreme court for said circuit, to hold fall term.

When he holds fall terms at either Jackson or Knoxville, he need not attend at the other.

Said judge may elect which court he will hold.

Provido; he may attend at any time during the term.

Provido; in absence of circuit judge district judge shall hold court.

Appeals to lie from the district to the circuit court.

Times of holding fall terms of district and circuit courts at Jackson, of Kentucky and at Knoxville.

§ 1. *Be it enacted, &c.,* That the district court of the United States at Jackson, in the District of West Tennessee, shall in future, be attached to, and form a part of the eighth judicial circuit of the United States, with all the powers and jurisdiction of the circuit court held at Nashville, in the middle district of Tennessee. And it shall be the duty of the associate justice of the Supreme Court of the United States assigned to hold the court for the eight circuit to attend the fall term of said court at Jackson, and hold the same; and when he does so, then he may dispense with his attendance at the fall term of the court at Knoxville, in the district of East Tennessee; or when said judge holds the fall term at Knoxville, then he may dispense with holding the corresponding fall term at Jackson. And said circuit judge may elect which court he will hold, at discretion, in the exercise of which he shall be governed by the nature and importance of the business: *Provided*, Said circuit judge may attend at Knoxville and Jackson at any of their fall term; *And provided also*, That in the absence of said circuit judge at any term of either of said courts, the district judge shall hold the same, and may exercise all the powers and jurisdiction conferred on the circuit court when held by the circuit judge.

§ 2. *And be it further enacted*, That appeals shall lie from the district court at Jackson, to the circuit court, in the same manner that they lie from the district to the circuit court at Nashville.

§ 3. *And be it further enacted*, That the fall terms of the district and circuit courts at Jackson, shall in future be held on the second Monday of October in each year; that the fall terms of the district and circuit courts of Kentucky be in future held on the third Monday of November in each year; and that the fall terms of the circuit and district courts at Knoxville, be held on the first Monday of November, in each year. *Approved, April 14th, 1842.*

CHAP. 47. An act authorizing the construction of a war-steamer for harbor defence.

Secretary of the Navy authorized to contract with R. L. Stevens for a war steamer.

§ 1. *Be it enacted, &c.,* That the Secretary of the Navy be, and he is hereby authorized to enter into contract with Robert L. Stevens for the construction of a war-steamer, shot and shell proof, to be built principally of iron, upon the plan of the said

Stevens: *Provided*, The whole cost, including the hull, armament, engines, boilers, and equipment in all respects complete for service shall not exceed the average cost of the steamers Missouri and Mississippi. Provide; not to exceed the average cost of the Missouri and Mississippi.

§ 2. *And be it further enacted*, That the sum of two hundred and fifty thousand dollars be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, towards carrying this law into effect. *Approved, April 14th, 1842.*

CHAP. 48. An act to establish certain post roads.

§ 1. *Be it enacted, &c.*, That the following be established as post roads: From Rome, in Georgia, to Commerce in the State of Mississippi, and also to Memphis in the State of Tennessee, namely, from Rome, through Warrenton, Decatur and Tusculumbia, in Alabama, and Jacinto, in Mississippi, to Ripley, in said State, as a common point, and from said point through Holly Springs and Hernando, to Commerce, and from Ripley through La Grange, in Tennessee, to Memphis, in said State. *Approved, April 14th, 1842.* The post roads established designated.

CHAP. 49. An act to provide for the allowance of invalid pensions to certain Cherokee warriors, under the provisions of the fourteenth article of the treaty of eighteen hundred and thirty-five.

§ 1. *Be it enacted, &c.*, That the Secretary of War be, and he hereby is, required to place on the pension roll such warriors of the Cherokee Nation, as were engaged on the side of the United States in the late war with Great Britain and the Southern Indians, and who were wounded in such service, at the same rates of pension as are allowed by law to the officers and soldiers of the regular army of the United States, under such rules and regulations as to the proof of disability as the Secretary of War shall prescribe: which pensions shall commence from the period of disability. *Approved, April 14th, 1842.* Certain Cherokee warriors to be allowed pensions at the same rate as officers and soldiers of the regular army.

CHAP. 51. An act for the extension of the loan of eighteen hundred and forty-one, and for the addition of five million of dollars thereto; and for allowing interest on Treasury notes due. Act of 1841, c. 2898.

§ 1. *Be it enacted, &c.*, That the time limited by the first section of the act of Congress, entitled "An act authorizing a loan not exceeding the sum of twelve millions of dollars," approved July twenty-first, eighteen hundred and forty-one, for obtaining said loan, shall be, and the same is hereby, extended for one year from the passage of this act. Time for obtaining the loan extended.

§ 2. *And be it further enacted*, That so much of said loan as may be obtained after the passage of this act shall be made reimbursable, as shall be agreed upon and determined at the time of issuing said stock, either at the will of the Secretary of the Treasury, after six months' notice, or at any time not exceeding twenty years from the first day of January next. Loan reimbursable, when.

Form of certificates.

Stock, how transferable.

Stock to be disposed of, how.

Proviso.

Moneys arising from duties pledged for payment of the interest and the redemption of the stock

Report to be made to Congress of the amount of money borrowed &c.

What provisions of the former act shall remain in force.

Additional loan of \$5,000,000 authorized.

§ 3. *And be it further enacted*, That the certificates hereafter to be issued for said loan may, when required, be in such form as shall be prescribed by the Secretary of the Treasury so that the stock may be transferable by delivery of the certificate, instead of being assignable on the books of the Treasury.

§ 4. *And be it further enacted*, That the Secretary of the Treasury be, and he hereby is, authorized to dispose of the stock hereafter to be issued, or any part thereof, at its par value, but no part thereof shall be disposed of under par until the same has been advertised a reasonable time, and proposals for subscription to said loan invited. And the said Secretary is hereby authorized to accept such proposals, if he deem it for the interest of the United States so to do, as shall offer the highest price for said stock or any part thereof; or to appoint an agent or agents as provided in the third section of the act approved July twenty-first, eighteen hundred and forty-one, before recited, to negotiate the same: *Provided*, That no stock shall be disposed of at a lower rate than the highest price offered in said proposals.

§ 5. *And be it further enacted*, That the moneys arising from duties on goods, wares, and merchandise which may be imported into the United States, or so much thereof as shall be equal to the payment, from time to time, of the interest, and to the ultimate redemption of the principal of the said stock, be, and the same are hereby, pledged for the payment and redemption of the stock hereafter to be issued under and by virtue of this act and the said act of July twenty-first, eighteen hundred and forty-one, hereby amended; and so much thereof as may be necessary to pay the interest on said stock, and redeem the same when due, is hereby appropriated to that object, to be first applied by the Secretary of the Treasury to such payments and redemption.

§ 6. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to report to Congress, at the commencement of the next session, the amount of money borrowed under this act and the act hereby amended, and of whom and upon what terms it shall have been obtained, with an abstract or brief statement of all the proposals submitted for the same, distinguishing between those accepted and those rejected; and a detailed statement of the expense of making such loans.

§ 7. *And be it further enacted*, That all the provisions of the said act, not hereby modified or changed, shall be and remain in force, and apply to this act.

§ 8. *And be it further enacted*, That the President of the United States is hereby authorized to borrow an additional sum, not exceeding the sum of five millions of dollars, if, in his opinion the exigencies of the Government may require the same; which additional loan shall be made within the time and according to the provisions of said act, as modified by this.

§ 9. *And be it further enacted*, That all Treasury notes heretofore issued under the act entitled "An act to authorize the issuing of Treasury notes," approved the twelfth day of October eighteen hundred and thirty-seven, and the acts subsequent thereto, and now outstanding and unredeemed, or which may hereafter be issued under and by virtue of the same, shall, if due and unpaid before the fifth day of March, eighteen hundred and forty-two, bear interest at the rate of six per cent. per annum from that day; and when they may become due hereafter, or may have become due, since the said fifth day of March eighteen hundred and forty-two, shall bear interest from the day of their so becoming due, at the rate of six per cent. per annum, until they shall be respectively redeemed: *Provided*, That such interest shall cease at the expiration of sixty days' notice to be given at any time, by the Secretary of the Treasury in one or more of the principal papers published at the seat of Government, of a readiness to redeem the same. And the said interest shall be payable semi-annually at the Treasury of the United States, on the first days of January and July in every year. *Approved, April 15th, 1842.*

Treasury notes due and unpaid, and those which may become due, to bear 6 per cent. interest.

Provide; interest to cease, when.

Interest payable semi-annually.

CHAP. 54. An act making appropriations for the civil and diplomatic expenses of Government for the year eighteen hundred and forty-two.

No. 167. For defraying the expenses of the supreme, circuit, and district courts of the United States, including the Districts of Columbia; also, for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures, incurred in the year eighteen hundred and forty-two and preceding years; and, likewise, for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offences committed against the United States, and for the safe keeping of prisoners, including expenses under the bankrupt law, and also including thirty thousand dollars arrearages for last year, three hundred and seventy-five thousand dollars: *Provided however*, That every district attorney, clerk of a district court, clerk of a circuit court, and marshal of the United States, shall, until otherwise directed by law, upon the first day of January and July in each year, commencing with the first day of July next, or within thirty days from and after the days specified; make to the Secretary of the Treasury, in such form as he shall prescribe, a return, in writing, embracing all the fees and emoluments of their respective offices, of every name and character, distinguishing the fees and emoluments received or payable under the bankrupt act, from those received or payable for any other service; and in the case of a marshal, further distinguishing the fees and emoluments received or payable for services by himself personally rendered, from those received or payable for services rendered by a deputy; and also distinguishing the fees and emoluments so received or payable for services rendered by each deputy, by name, and the proportion of such fees and emoluments which, by the terms of

Expense of the supreme, circuit and district courts, &c.

Provide: district attorneys, clerks of the district and circuit courts, and marshals, to make semi-annual returns of fees.

Amount of fees
which they are
allowed to retain.

his service, each deputy is to receive; and also, embracing all the necessary office expenses of such officer, together with the vouchers for the payment of the same, for the half year ending on the said first day of January or July, as the case may be; which return shall be, in all cases, verified by the oath of the officer making the same. And no district attorney shall be allowed by the said Secretary of the Treasury, to retain of the fees and emoluments of his said office, for his own personal compensation, over and above his necessary office expenses, the necessary clerk hire included, to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding six thousand dollars per year, and at and after that rate, for such time as he shall hold the office; and no clerk of a district court, or clerk of a circuit court, shall be allowed by the said Secretary, to retain of the fees and emoluments of his said office, or, in case both of the said clerkships shall be held by the same person, of the said offices, for his own personal compensation, over and above the necessary expenses of his office, and necessary clerk hire included, also to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding three thousand and five hundred dollars per year, for any such district clerk, or a sum exceeding twenty-five hundred dollars per year for any such circuit clerk, or at and after that rate, for such time as he shall hold the office; and no marshal shall be allowed by the said Secretary, to retain of the fees and emoluments of his said office, for his own personal compensation, over and above a proper allowance to his deputies, which shall in no case exceed three-fourths of the fees and emoluments received as payable for the services rendered by the deputy to whom the allowance is made, and may be reduced below that rate by the said Secretary of the Treasury, whenever the return shall show that rate of allowance to be unreasonable, and over and above the necessary office expenses of the said marshal, the necessary clerk hire included, also to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding six thousand dollars per year, or at and after that rate, for such time as he shall hold the office; and every such officer, shall, with each such return made by him, pay into the Treasury of the United States, or deposite to the credit of the Treasurer thereof, as he may be directed by the Secretary of the Treasury, any surplus of the fees and emoluments of his office, which his half-yearly return so made as aforesaid shall show to exist over and above the compensation and allowances hereinbefore authorized to be retained and paid by him. And in every case where the return of any such officer shall show that a surplus may exist, the said Secretary of the Treasury shall cause such returns to be carefully examined and the accounts of disbursements to be regularly audited by the proper officers of his Department, and an account to be opened with such officer in proper books to be provided for that purpose, and the allowances for personal compensation for each calender-year shall be made from the fees and emoluments of that year, and not otherwise;

Surplus to be
paid into the
Treasury, &c.

And provided further, That nothing in any existing law of Congress authorizing the payment of a per diem compensation to a district attorney, clerk of a district court, or clerk of a circuit court, or marshal, or deputy marshal, for attendance upon the district or circuit courts during their sittings, shall be so construed as to authorize any such payment to any one of those officers for attendance upon either of those courts, while sitting for the transaction of business under the bankrupt law merely, or for any portion of the time for which either of the said courts may be held open, or in session, by the authority conferred in that law ; and no such charge, in an account of any such officer, shall be certified as payable, or shall be allowed and paid out of the money hereinbefore appropriated for defraying the expenses of the courts of the United States, unless such district attorney, clerk, or marshal, shall be required by the judge of said court or the Solicitor of the Treasury to attend the session of the same, shall actually attend for the performance of the duties of his said office. And no per diem or other allowance shall be made to any such officer for attendance at rule days, of the circuit or district courts, and when the circuit and district courts sit at the same time, no greater per diem or other allowance shall be made to any such officer than for an attendance on one court : *And provided further*, That the district attorney, marshal, clerk of the circuit court and clerk of the district court of the United States for the northern and southern districts of New York, shall not hereafter receive any greater or other fees and emoluments, including fees and emoluments, under the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," for services rendered by them, respectively, in the said courts, than now are or hereafter may be allowed by the laws of the State of New York to attorneys, solicitors, counsel, sheriffs, and clerks, in the highest courts of law or equity, of original jurisdiction, of the State of New York, according to the nature of the proceedings, for like services rendered therein : *Provided*, That no part of the fund hereby appropriated, shall be applied unless in addition to the certificates now required by law, the clerk of the said court shall certify in his official capacity, that the services have been rendered, and the supplies furnished for, and used by the court, and that the charges therefor were legal and proper.

Further proviso: no per diem to be made in certain cases.

Further proviso, fixing the fees to be allowed for the northern and southern districts of New York.

Proviso: no part of the fund hereby appropriated to be applied unless &c.

No. 202. For compensation of postmasters, nine hundred and fifteen thousand dollars : *Provided, however*, That in addition to returns now required to be rendered by postmasters, it shall be the duty of Postmasters at New York, Boston, Philadelphia, Baltimore, and New Orleans, and the other several cities of the Union, each and every year hereafter, to render a quarter-yearly account to the Postmaster General, under oath, in such form as the latter shall prescribe, for the purpose of giving full effect to this proviso, of all emoluments or sums by them respectively received for boxes, or pigeon holes, or other receptacles for letters or papers, and by them charged for to individuals ; or for the delivery

Compensation of Postmasters. Proviso, requiring them to make returns of all emoluments received from boxes, &c.

If the nett rec^{pts} exceed \$5,000 a year, the excess shall be paid to the Postmaster General, for the use of the Department.

No postmaster to receive more than \$5,000 a year salary included.

of letters or papers at or from any place in either of said cities, other than the actual post office of such city; and of all emoluments, receipts and profits, that have come to their hands by reason of keeping branch post offices in either of said cities; and if, from such accounting, it shall appear that the nett amount received by either of the postmasters at either of such cities, for such boxes, and pigeon holes, and other receptacles for letters and papers, and for delivering letters or papers at or from any place in either of said cities, other than said post office, and by reason of keeping a branch post office in either of said cities, shall, in the aggregate, exceed the sum of three thousand dollars in any one year, such excess shall be paid to the Postmaster General, for the use and purposes of the Post Office Department; and no postmaster shall, hereafter, under any pretence whatsoever, have, or receive, or retain for himself, in the aggregate, more than five thousand dollars per year, including salary, commissions, boxes, and all other fees, perquisites and emoluments, of any name or character whatsoever, and for any service whatsoever.

Approved, May 18th, 1842.

CHAP. 55.—An act changing the time of holding the circuit and district courts of the United States for the districts of East and West Tennessee.

Time of holding said courts in East Tennessee.

§ 1. *Be it enacted, &c.,* That the circuit and district courts of the United States for the District of East Tennessee, shall hereafter be held at Knoxville in said district, on the first Mondays in November and May, in each and every year, instead of the times heretofore fixed by law; and that the circuit and district courts for the district of West Tennessee shall hereafter be held at Jackson, in said district, on the second Mondays in October and April, in each and every year instead of the times heretofore fixed by law—the spring terms of said circuit court at Knoxville and Jackson, as herein provided, to be held by the district judge; and should any difficult question of law arise in any cause, said judge may, at his discretion, adjourn said cause to the succeeding term of said court. And all writs, pleas, suits, recognizances, indictments, or other proceedings, civil or criminal, issued, commenced, or pending in either of said courts, shall be returnable to be entered and have day in court, and be heard and tried according to the times of holding said courts, as herein provided.

Times of holding said courts in West Tennessee.

Spring terms of the circuit court to be held by the district judge.

The judge may adjourn a cause.

Writs, &c. returnable, &c. at the times of holding the courts.

Rule days to be fixed, and orders made by the courts

§ 2. *And be it further enacted,* That such rule days, for the return of process and the filing of pleadings, may from time to time be fixed, and other orders made by said courts, respectively; not inconsistent with the Constitution and laws of the United States, as may be necessary or proper for the convenience of parties and the advancement of business in said courts; and that the first section of "An act to amend an act approved the eighteenth of January, eighteen hundred and thirty-nine, entitled, "An act to amend an act entitled an act to require the judge of the dis-

1st sec. act 4th July, 1840, repealed.

trict of East and West Tennessee to hold a court at Jackson, in said State,' approved June the eighteenth, eighteen hundred and thirty-eight, and for other purposes," approved July the fourth, eighteen hundred and forty, be, and the same is hereby, repealed.

Approved, May 18th, 1842.

CHAP. 56.—An act to amend the act of the tenth of March, eighteen hundred and thirty-eight, entitled, "An act to change the time of holding the circuit and district courts in the district of Ohio.

Act of 1838, c. 43, ante p. 2864.
Repealed. Act of 1844, c. 5, post p.

§ 1. *Be it enacted, &c.,* That the term of the circuit and district courts of the United States, in the district of Ohio, now required by law to be held on the first Monday of July, annually, at Columbus, shall hereafter be held at the city of Cincinnati; and all process and recognizances, and other proceedings taken or issued, or made returnable at Columbus, at the said July term next, shall be returnable at the said term at Cincinnati; and the said district court shall have power, whenever in the opinion of the judge thereof, it may be necessary for the convenient administration of justice, to hold an adjourned term of said district court at the city of Cleveland, in said district, at such time as he may think proper; and the said district court may make all necessary rules for holding such adjourned term of said court, and for the proper return of process. *Approved, June 1st, 1842.*

The July term now held at Columbus to be held at Cincinnati.

Process, &c. returnable at Cincinnati.

An adjourned term of the district court may be held at Cleveland.

The court may make the necessary rules.

Act of 1838, c. 43, vol. 4, p. 2111.

CHAP. 57.—An act regulating commercial intercourse with the port of Cayenne, in the colony in French Guiana, and to remit certain duties.

§ 1. *Be it enacted, &c.,* That the provisions of the act entitled "An act regulating the commercial intercourse with the islands of Martinique and Gaudaloupe," approved on the ninth of May, eighteen hundred and twenty-eight, admitting French vessels coming from, and laden with articles, the growth and manufacture of either of the said islands, are hereby extended to the vessels of the same nation coming from the port of Cayenne, in the colony of French Guiana, so as to entitle said vessels coming directly from said port of Cayenne, and laden with articles the growth or manufacture of said colony, which are permitted to be exported therefrom in American vessels, to admission into the ports of the United States, on payment of no higher duties of tonnage, or on their cargoes, as aforesaid, than are imposed on American vessels, and on like cargoes therein imported: *Provided* That if the President of the United States shall, at any time, receive satisfactory information that the privileges allowed to American vessels and their cargoes in the said colony of French Guiana by the arretes of its Governor, bearing date the fifth of December, eighteen hundred and thirty-one, and the twenty-eighth of December, eighteen hundred and thirty-three, and by the tariffs and regulations in force in the colony, have been revoked or annulled, he is hereby authorized, by proclamation, to suspend the operations of this act, and withhold all privileges allowed under it.

French vessels coming directly from Cayenne, with articles the growth or manufacture of French Guiana, which are permitted to be exported therefrom in American vessels, to pay no higher duties than American vessels.

The President authorized to suspend the operations of this act, when.

The amount of duties levied inconsistent with the provisions of the 1st section of this act to be refunded.

§ 2. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized to refund, out of any money in the Treasury not otherwise appropriated, such amount of duty, inconsistent with the provisos of the first section of this act, which since the arretes, and the tariffs, and regulations referred to in the provisions to the first section of this act, have been in operation in said colony, as may have been levied in the ports of the United States upon any French vessels coming directly from the port of Cayenne, laden with such articles, the growth or manufacture of said colony, which were allowed to be exported therefrom in American vessels.

Approved, June 1st, 1842.

Act of 1799, c. 190, vol. 1, p. 373.

CHAP. 63.—An act to authorize the Collector of the district of Fairfield to reside in either of the towns of Fairfield or Bridgeport.

So much of Act of March, 1799, as requires the collector to reside at Fairfield, repealed, &c.

§ 1. *Be it enacted, &c.*, That so much of the act entitled, "An act to regulate the duties on imports and tonnage," approved March second, seventeen hundred and ninety-nine; as requires the collector for the district of Fairfield, in the State of Connecticut, to reside in the town of Fairfield, be, and the same is hereby, repealed; and the said collector shall reside in said town of Fairfield, or in the town of Bridgeport, within said district.

Approved, June 4th, 1842.

CHAP. 64.—An act to provide for the settlement of the claim of the State of Maine for the service of her militia.

Maine to be paid for the militia called into the service of the State, in 1839, such amount as would have been due, if it had been called into the service of the U. S.

§ 1. *Be it enacted, &c.*, That the Secretary of War be, and he is hereby authorized and directed to cause to be reimbursed and paid to the State of Maine, on the order of the Governor of said State, out of any money not otherwise appropriated, such amount as the Paymaster General of the United States army, and the accounting officers of the Treasury shall ascertain and certify would have been due from the United States to the militia called into the service of the State in the year eighteen hundred and thirty-nine, for the protection of her northeastern frontier, by the Governor, if said militia had been duly called into the service of the United States, and regularly received and mustered by the officers of the United States army, according to the laws and regulations which have governed in the payment of the volunteers and militia of other States. And the Paymaster General and accounting officers of the Treasury are hereby authorized and required to include the following claims, presented by said State, viz:

The following claims to be included, viz: Cannon balls and knapsacks.

First. The cost of cannon balls and knapsacks purchased by the State, for the use of the troops called into service, and for defence of the frontier aforesaid: *Provided*, That said balls and knapsacks shall belong to the United States.

Second. The amount paid by the State for transportation of military stores, and of her troops in actual service as aforesaid; *Provided*, The amount should, in the opinion of the Secretary of War, appear to be reasonable.

Third. The pay or compensation allowed by the State to the Paymaster and Commissary General, and other staff officers, while they were respectively employed in making or superintending disbursements for the militia in actual service as aforesaid: *Pay of staff officers.* **Provided,** The compensation paid by the State, as aforesaid, shall not exceed that paid by the United States for similar services.

Fourth. The sum paid by the State for blankets for the use of her militia while in actual service as aforesaid, or so much thereof as shall appear reasonable. *Blankets.*

Fifth. The amount of expenditures by said State in necessary repairs of arms used by the militia while in actual service as aforesaid. *Repairs of arms*

Provided, That the accounts of the agent employed by the State of Maine to make said payments, be submitted to the Paymaster General and the accounting officers for their inspection. *Proviso; accounts of the agent of Maine to be submitted for inspection.*

Approved, June 13th, 1842.

CHAP. 65.—An act to amend an act entitled "An act to carry into effect, in the States of Alabama and Mississippi, the existing compacts with those States with regard to the five per cent. fund and the school reservations." *Act of 1836 c. 355, vol. 4, p. 2362.*

§ 1. *Be it enacted, &c.,* That so much of the second section of the act entitled "An act to carry into effect, in the States of Alabama and Mississippi, the existing compacts with those States in regard to the five per cent. fund and the school reservations," as requires the land therein designated as reserved to the State of Mississippi for the use of schools to be selected, under the direction of the Secretary of the Treasury, "out of any public lands, remaining unsold, that shall have been offered at public sale within either of the land districts in said State of Mississippi, contiguous to said lands, within said State," ceded by the Chickasaws, be so amended that the said lands may be selected, under the direction of the Governor of said State of Mississippi, out of any public lands remaining unsold within either of the land districts in said State of Mississippi contiguous to the lands in said State ceded by the Chickasaw Indians. *The 2d section of said act, so amended, that the lands may be selected under the direction of the Governor of Mississippi.*

Approved, June 13th, 1842.

CHAP. 66.—An act to incorporate Washington's Manual Labor School and Male Orphan Asylum Society of the District of Columbia.

§ 1. *Be it enacted, &c.,* That James L. Edwards, Thomas Sewall, Anthony Preston, Michael Nourse, Thomas L. Smith, Joseph W. Hand, John P. Ingle, Peter Force, William Morton, Thomas F. Huat, Franklin Knight, Leonidas Coyle and Peter W. Gallaudet, trustees for said school and asylum, and their successors in office as trustees, are hereby made, declared and constituted a corporation and body politic in law and in fact, to have continuance forever under the name, style and title of Washington's Manual Labor School and Male Orphan Asylum Society of the District of Columbia. *Washington's Manual Labor School and Male Orphan Asylum Society of the District of Columbia incorporated.*

May hold prop-
erty.

§ 2. *And be it further enacted*, That all and singular the lands, tenements, rents legacies, annuities, rights, privileges, goods, and chattles, that may have heretofore been given, granted, sold, devised, or bequeathed, to the said Washington's Manual Labor School and Male Orphan Asylum Society, be, and they are hereby, vested in and confirmed to the said corporation; and that the said corporation may purchase, take, receive, and enjoy, any lands, tenements, rents, annuities, rights and privileges, or any goods, chattles or other effects of what kind or nature soever, which shall or may hereafter be given, granted, sold, bequeathed, or devised unto it, or to the said trustees, or either of them, as trustees of the said school and asylum, by any person or persons, bodies politic or corporate, capable of making such grant, and to dispose of the same for the benefit of the said society: *Provided*, That the clear amount of annual income of property to be acquired by said corporation shall at no time exceed the sum of five thousand dollars.

Provide; annu-
al income of prop-
erty not to exceed
\$5,000.

May sue and be
sued.

Adopt and use a
seal.

Appoint officers,
&c.

Make by-laws:

Provide relative
to the application
of the funds.

Annual meeting
to be held for the
appointment of
officers, &c.

§ 3. *And be it further enacted*, That the said corporation, by the name and style aforesaid, be, and shall be hereafter, capable, in law and equity, to sue, and be sued, to plead and to be impleaded, within the District of Columbia and elsewhere, in as effectual a manner as other persons or corporations can sue and be sued; and that they shall adopt and use a common seal, and the same use, alter, or exchange, at pleasure; that they may appoint such officers as they shall deem necessary and proper; assign them their duties and regulate their compensation, and remove any and all of them, and appoint others, as often as they shall think fit. And the said corporation shall make such by-laws as may be useful for the government and support, and for the general accomplishment of the objects of the said asylum and school, and not inconsistent with the laws of the United States, or the laws in force in the District of Columbia for the time being; and the same to alter, amend, and abrogate, at pleasure; but all by-laws adopted by said corporation shall before they have any force or effect, be submitted to and receive the approval of the Circuit Court for the District of Columbia: *Provided, also*, That no part of the funds of said corporation shall be appropriated to pay the trustees of said society, except the teachers and instructors of the children, any compensation for their services, but such services shall in all cases be gratuitous.

§ 4. *And be it further enacted*, That there shall be a meeting of the trustees of the Washington's Manual Labor School and Male Orphan Asylum Society, in each year, the manner of giving notice for which, and the time and place for said meeting, to be regulated by the by-laws; at which meeting the said trustees may fill all vacancies in their own board, and appoint their officers for the ensuing year, whose duties shall be regulated by the by-laws of the society. Vacancies in the board may also be filled at such other meetings of the trustees as may be necessary and under such regulations as may in their by-laws be prescribed.

§ 5. *And be it further enacted*, That with the consent and approbation of the parent, or guardian, or other competent authority having charge of any male child, the same may be received into the said Washington's Manual Labor School and Male Orphan Asylum, under such regulations as may be made by the by-laws, and there protected, instructed, and supported; and he shall not thereafter be withdrawn or be at liberty himself to withdraw from the said asylum, without the consent or dismissal of the corporation aforesaid, until he shall have attained the age of twenty-one years; but up to the age aforesaid, he shall remain subject to the direction of the said corporation, unless he may, by the same be exonerated from service previous to attaining the age aforesaid; and the said corporation shall have the power, with the consent of the parent or guardian of any child under their care, to bind any such child, for the purpose of acquiring a knowledge of some useful trade, occupation, or profession, under such conditions as may be determined by the by-laws; a copy of which conditions shall be delivered to, and they shall be binding on every person to whom any child may be so bound, *Provided*, That every such orphan, whilst he shall remain subject to the direction of the said corporation, or during the period of his service, if bound out as an apprentice as aforesaid, shall be entitled to the benefit and protection of all the laws of the District relating to apprentices.

Conditions upon which male children may be received.

§ 6. *And be it further enacted*, That the said corporation shall keep a journal of all its proceedings, in which the by-laws shall be recorded; and shall make report at the annual meeting as aforesaid, of the affairs and condition of the said school and asylum for the preceding year.

Journal to be kept, and an annual report made.

§ 7. *And be it further enacted*, That it may be lawful for Congress hereafter to alter, amend, modify, or repeal, the foregoing act.

Authority to alter or repeal this act.

Approved, June 13th, 1842:

CHAP. 71. An act authorizing the county commissioners of Lake county Illinois, to enter a quarter section of land for a seat of justice in said county.

Act of 1824, c. 169, vol. 3, p. 1967.

§ 1. *Be it enacted, &c.*, That upon proof being made to the Secretary of the Treasury of the payment of the minimum price per acre by the county of Lake in the State of Illinois, to the United States, for the southeast quarter of section twenty-one, in township forty-five north, of range twelve, east of the third principal meridian, upon which the county seat of said county is located, it shall be lawful for the President of the United States to cause a patent for said land to be issued to said county, in lieu, and in full satisfaction of the claim of said county to enter one quarter section of land in virtue of the act of the twenty-sixth May eighteen hundred and twenty-four entitled "An act granting to the counties or parishes of each State and Territory of the United States in which the public lands are situated the right of pre-emption to quarter sections of land for seats of justice with-

Authorized to enter a certain tract of land in lieu of the one formerly selected for a seat of justice.

Provido: a relinquishment of the former election to be filed with the Secretary of the Treasury.

in the same," *Provided*, said county shall relinquish in such form as the Secretary of the Treasury shall prescribe, all claims whatever to the northeast quarter of section twenty-one, township forty-four, range eleven east lying in said county and which tract was first selected by said county for the use of the county seat for said county in virtue of the provisions of the act aforesaid. *Approved, June 22d, 1842.*

CHAP. 72. An act for the apportionment of Representatives among the several States according to the sixth census.

House of Representatives to be composed of members elected agreeably to a ratio of one Representative to every seventy thousand six hundred and eighty persons in each State, and an additional Representative for each State having a fraction greater than one moiety of said ratio.

§ 1. *Be it enacted, &c.*, That from and after the third day of March, one thousand eight hundred and forty-three, the House of Representatives shall be composed of members elected agreeably to a ratio of one Representative for every seventy thousand six hundred and eighty persons in each State, and of one additional representative for each State having a fraction greater than one moiety of the said ratio, computed according to the rule prescribed by the Constitution of the United States; that is to say: Within the State of Maine, seven; within the State of New-Hampshire, four; within the State of Massachusetts, ten; within the State of Rhode Island, two; within the State of Connecticut, four; within the State of Vermont, four; within the State of New York, thirty-four; within the State of New Jersey, five; within the State of Pennsylvania, twenty-four; within the State of Delaware, one; within the State of Maryland, six; within the State of Virginia, fifteen; within the state of North Carolina, nine; within the State of South Carolina, seven; within the State of Georgia, eight; within the State of Alabama, seven; within the State of Louisiana, four; within the State of Mississippi, four; within the State of Tennessee, eleven; within the State of Kentucky, ten; within the State of Ohio, twenty-one; within the State of Indiana, ten; within the State of Illinois, seven; within the State of Missouri, five; within the State of Arkansas, one; and within the State of Michigan, three.

Where a State is entitled to more than one Representative, the election to be by districts and no district to elect more than one Representative.

§ 2. *And be it further enacted*, That in every case where a State is entitled to more than one Representative, the number to which each State shall be entitled under this apportionment shall be elected by districts composed of contiguous territory equal in number to the number of Representatives to which said State may be entitled, no one district electing more than one Representative. *Approved, June 25th, 1842.*

CHAP. 91. An act to regulate the value to be affixed to the pound sterling by the Treasury Department.

The pound sterling to be computed at \$4 84.

§ 1. *Be it enacted, &c.*, That in all payments by or to the Treasury, whether made here or in foreign countries, where it becomes necessary to compute the value of the pound sterling, it shall be deemed equal to four dollars and eighty-four cents, and the same rule shall be applied in appraising merchandize imported where the value is by the invoice in pound sterling.

§ 2. *And be it further enacted*, That all acts and parts of

acts inconsistent with these provisions, be and the same are hereby repealed. *Approved, July 27th, 1842.*

Acts, &c., inconsistent herewith repealed.

CHAP. 93. An act to amend "An act for altering the time of holding the district court of the United States for the western district of Pennsylvania at Williamsport," approved May eighth, eighteen hundred and forty.

Act of 1840. c. 8, ante p. 2791.

§ 1. *Be it enacted, &c.,* That the October term of the district court of the United States for the western district of Pennsylvania, which is now directed to be holden at Williamsport, in Lycoming county, on the third Monday of October in each year, shall hereafter commence and be holden on the first Monday of October in each and every year; and all process, pleadings, motions, suits, and business heretofore begun, pending and undetermined, or which may hereafter be commenced or instituted, prior to the next October term, shall be held returnable and be returned to the first Monday of October next.

Time of holding the October term changed to the first Monday in October.

Process, &c., returnable 1st. October next.

Approved, July 27th, 1842.

CHAP. 94. An act to provide for satisfying claims for bounty lands, for military services in the late war with Great Britain, and for other purposes.

§ 1. *Be it enacted, &c.,* That in all cases of warrants for bounty lands for military services in the war of eighteen hundred and twelve with Great Britain, which remain unsatisfied at the date of this act, it shall be lawful for the person in whose name such warrant shall have issued, his heirs or legal representatives, to enter at the proper land office in any of the States or Territories in which the same may lie, the quantity of the public lands subject to private entry to which said person shall be entitled in virtue of such warrant in quarter sections: *Provided,* Such warrants shall be located within five years from the date of this act.

Persons to whom bounty land warrants were issued, which now remain unsatisfied, may enter land, &c.,

Proviso, warrants to be located within five years.

§ 2. *And be it further enacted,* That the terms prescribed for the issuing warrants by the Secretary of the Department of War, under the act entitled, "An act to allow further time to complete the issuing and locating of military land warrants during the late war," and under the act entitled "An act to extend the time of issuing military land warrants to the officers and soldiers of the Revolutionary army," both of which acts were approved January twenty-seventh, eighteen hundred and thirty-five be, and the same are hereby, respectively, renewed and continued in force for the term of five years from and after the date of this act; and all cases which shall not, within the time aforesaid, be finally disposed of, shall be thereafter for ever barred from the benefits of all claim to bounty land for services performed within the spirit and meaning of said acts: *Provided,* That warrants issued under the provisions of this section may be located as is provided for warrants under the first section of this act: *And provided further,* That the certificate of location obtained under

Acts of 27th January, 1835, continued for 5 years.

Act of 1835 c. 272, 280, vol. 4. p. 2410.

Cases not finally disposed of within that time forever barred.

Proviso: warrants to be located how.

Further proviso: certificates of location not assignable.

the provisions of this act, shall not be assignable, but the patent shall in all cases issue in the name of person originally entitled to the bounty land, or to his heirs or legal representatives.

Approved, July 27th, 1842.

CHAP. 106. An act to incorporate the German Benevolent Society of the city of Washington.

German Benevolent Society incorporated.

Shall have perpetual succession, May sue and be sued.

Have a seal.

Established by laws, &c.

Moneys received on account of the Society, may be invested, how, &c.

Provide: the society not to hold property exceeding in value, \$20,000.

Funds applicable, how.

The corporation not to deal or trade in the manner of a bank, &c.

Penalty for doing.

§ 1. *Be it enacted, &c.* That from and after the passage of this act, all those persons who are or shall hereafter become, members of the "German Benevolent Society" of the city of Washington, District of Columbia, be and they are hereby, made a body corporate and politic, by the name and style of "the German Benevolent Society," and shall so continue until the third day of March, one thousand eight hundred and sixty; and by that name shall have perpetual succession, and by that name may sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in courts of record, and in any other place whatsoever; and by that name may make, have and use, a common seal, and the same may break, alter, and renew, at pleasure; and shall have power to ordain, establish, and put in execution, such by-laws, ordinances, and regulations, as shall seem necessary and convenient for the government of said corporation, not being contrary to the laws and Constitution of the United States; and generally to do and execute all acts necessary or proper for the objects of said corporation, subject to the limitations and provisions of this act.

§ 2. *And be it further enacted,* That the monthly contributions, and all other moneys received on account of the society, may, from time to time, be invested in the public stocks of the United States, in loans to individuals, or in stocks of any incorporated banking institution or corporation; and the moneys so invested, or that may be deposited, shall be drawn out of the bank or place of deposit only on the order of the Treasurer, countersigned by the secretary and approved by the president: *Provided, nevertheless,* That the said society or body politic shall not at any one time, hold or possess property, real, personal or mixed, exceeding in total value the sum of twenty thousand dollars; and provided that the annual interest on the capital of the company, or the whole or any part of the capital, may from time to time be applied to aid and succor the poor and destitute of the society, or to such other charitable objects as the company may select.

§ 3. *And be it further enacted,* That it shall not be lawful for the said corporation to deal or trade in the manner of a bank nor issue any note in the nature of a bank note, nor transact any other kind of business, or deal in any other manner or thing than is expressly authorized by the second section of this act; and any officer or officers who shall have assented to any such dealing or trade, shall on conviction thereof in the proper court, forfeit and pay the sum of five hundred dollars, one half to the use of the poor of the city of Washington, District of

Columbia, and the other half to the use of the person who may prosecute for the same ; *Provided, always,* That Congress may at any time, amend, alter or annul this act. *Approved, July 27th, 1842,*

Provide ; authority to alter or annul this act.

CHAP. 107. An act to extend the jurisdiction of the corporation of Georgetown.

§ 1. *Be it enacted, &c.* That the jurisdiction of the corporation of Georgetown is hereby extended so as to include the bridge lately constructed by the said corporation across the river Potomac, at the Little Falls, and the site of said bridge and premises appertaining to said site ; and that as often and as long as said bridge shall hereafter, from any cause, be impassable, it shall and may be lawful for the proprietors of land on both sides of the said river, through which the ferry road to connect with the Falls Bridge turnpike must necessarily pass, and they are hereby authorized and empowered to establish and keep a ferry, at any rate of ferriage not exceeding the tolls which the Georgetown Bridge Company were heretofore authorized to charge on their bridge.

Jurisdiction extended so as to include the Little Falls Bridge.

Proprietors of the land on the river through which the road passes, may, when the bridge is impassable, establish a ferry.

§ 2. *And be it further enacted,* That said Corporation of Georgetown, in addition to its present chartered powers, shall have full power and authority to provide for licensing, taxing and regulating within its corporate limits, all traders, retailers, pawn-brokers, and to tax venders of lottery tickets, money changers, hawkers and peddlars. *Approved, July 27th, 1842.*

Powers of the corporation of Georgetown extended.

CHAP. 130. An act to incorporate a society in the District of Columbia by the name of the National Institute for the Promotion of Science.

§ 1. *Be it enacted, &c.,* That Peter Force, Francis Markoe, jr., Garrett R. Barry, William J. Stone, Daniel Webster, Walter Forward, John C. Spencer, Abel P. Upshur, Charles A. Wickliffe, Hugh S. Legare, John Q. Adams, William C. Preston, John J. Abert, John G. Totten, Aaron O. Dayton, Lewis Warrington, and all others now members of the Society in the District of Columbia, known by the name of "The National Institution for the Promotion of Science," and their successors and associates, duly elected in the manner provided for in their constitution, hereinafter mentioned, as it now exists, or as it may be hereafter altered and amended by the society herein and hereby incorporated, shall be, and they are hereby, incorporated, constituted, and declared to be a body politic and corporate, by the name of, "The National Institute for the Promotion of Science."

National Institute incorporated.

§ 2. *And be it further enacted,* That all and singular the goods, chattels, property and effects, heretofore given, granted, devised or bequeathed to the said society, or to any person or persons, or that may have been purchased for its use, or which are or may be held in trust for it, shall be, and the same are hereby, vested in and confirmed to the said corporation hereby

Property vested in it.

Authorized to receive property.

created; and the said corporation is hereby authorized and empowered to take or receive any sum or sums of money, or any goods, chattels, property, or effects of any kind or nature whatsoever, which shall or may hereafter be given, granted, devised or bequeathed, to the said corporation, or in trust for the said corporation, by any person or persons, body politic or corporate, capable of making such gift, bequest or devise: *Provided, always*, That such money, goods, chattels, property, or effects be laid out or disposed of, for the use or benefit of the said corporation, according to the intention of the donors or devisors.

Proviso; property to be disposed of, how.

Obligations &c. heretofore entered into, obligatory.

Corporation liable for goods, &c., specially deposited.

Property of the corporation at the expiration or dissolution of its charter, to belong to the U. S.

Constitution of the Society as it now exists, valid, &c.

Power to sue, and be sued.

To have a seal, elect officers.

To make by laws &c.

Proviso; not lawful, to deal or trade in the manner of a bank, &c.

§ 3. *And be it further enacted*, That all obligations; agreements, and contracts, heretofore entered into, by or with the said society, or any of its duly authorized agents, shall be as valid and obligatory upon the respective parties, and upon the corporation hereby created, as if the said society had been incorporated and existed as a corporation at the time and times of entering into such obligations, agreements, and contracts. And the said corporation shall be liable, to all persons and bodies politic and corporate, for all goods, chattels, and effects, heretofore specially deposited with the said society for safe keeping or exhibition, or which may be hereafter so deposited with the said corporation, according to the terms of the deposit. And all the property of the said corporation, at the time of the expiration or dissolution of its charter, shall belong to and devolve upon the United States; and the President of the United States for the time being shall appoint a person or persons to take possession of, and keep and preserve the same, unless and until Congress shall otherwise dispose of the same.

§ 4. *And be it further enacted*, That the constitution heretofore adopted by the said society, and as it now exists, and as it may hereafter, from time to time, be altered and amended in the manner therein provided for, shall be valid and binding upon the members of the said corporation.

§ 5. *And be it further enacted*, That the corporation hereby created shall have power to sue and be sued in its corporate name; and to appear, prosecute, and defend, to final judgement and execution, in all courts in the District of Columbia and elsewhere; to have and use a common seal, and the same to break, alter, and renew, at will; to elect, according to their said constitution and by-laws, as the same may from time to time exist, all such officers as they may deem necessary and proper, and ascertain their duties and compensation; to make, from time to time, by-laws and regulations (not inconsistent with the laws of the United States in force in the District of Columbia) for their government, and for the due and orderly conducting of their affairs, and the management of their property, and to enforce the same by penalties not exceeding twenty dollars for any one offence, to be recovered before a justice of the peace, in the same manner as other small debts are recovered: *Provided*, That it shall not be lawful for the said corporation to deal or trade in the manner of a bank, nor to issue any note in the nature of a bank note.

§ 6. *And be it further enacted*, That this charter shall continue in force for the period of twenty years from the date of this act, and no longer, unless Congress shall by law prolong its existence; but its expiration or dissolution shall not abate any suit then pending by or against the said corporation; and three years thereafter shall be allowed, in which it may wind up its affairs, and in which its corporate name may be used for the recovery of all debts due to or by the said corporation: *Provided*, That Congress may at any time alter, repeal, or modify this act of incorporation. *Approved, July 27th, 1842.*

Charter limited to 20 years.

Suits not to abate on its expiration

Allowed 3 years to wind up its affairs.

Provide: Congress may alter or repeal this act.

CHAP. 131. An act in relation to marriages within the District of Columbia.

§ 1. *Be it enacted, &c.*, That the ministers of the gospel, or clergy, who at any time may be legally authorized to unite persons in the bands of wedlock, or to join them together as man and wife, either in the county of Washington or the county of Alexandria, shall be, and are hereby, authorized to do so in any place within the District of Columbia.

Clergymen authorized to marry persons in either county, may do so in both.

Approved, July 27th, 1842.

CHAP. 132. An act to provide for the permanent employment in the Post Office Department of certain clerks heretofore for several years temporarily employed in that Department.

§ 1. *Be it enacted, &c.*, That the Postmaster General be, and he is hereby authorized to employ in the post Office Department, a topographer, at a salary of sixteen hundred dollars; and eight additional clerks, whose annual compensation shall be as follows: three clerks at fourteen hundred dollars each, four clerks at one thousand two hundred dollars each, and one clerk at one thousand dollars.

Additional clerks authorized in Post Office Department

§ 2. *And be it further enacted*, That the arrears of pay due to said clerks from the first day of January last, at the rates aforesaid, and their regular salaries for the residue of the current year, be regularly paid to them by the proper officer of the Department and for this purpose the sum of eleven thousand six hundred dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Arrears due said clerks from 1st January last to be paid, &c.

§ 3. *And be it further enacted*, That eleven additional clerks heretofore temporarily employed in the office of the Auditor for the Post Office Department under the provisions of the act of Congress of the third of March eighteen hundred and thirty-seven and the seventh of July eighteen hundred and thirty-eight shall be permanently added to the force in that office, at the rates of compensation heretofore allowed for their services respectively and the sum of thirteen thousand two hundred dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of their salaries for the year eighteen hundred and forty-two. *Approved, July 30th, 1842.*

Certain clerks heretofore temporarily employed in the office of the Auditor of the Post Office Department made permanent

CHAP. 133 An act to regulate arrests on meane process in the District of Columbia.

Persons not to be held to bail in civil suits except on affidavit, in certain cases.

§ 1. *Be it enacted, &c.* That hereafter no person shall be held to bail in any civil suit in the District of Columbia, unless on affidavit, filed by the plaintiff or his agent, stating in cases of debt or contract the amount which he verily believes to be due, and that the same has been contracted by fraud or false pretences, or through a breach of trust, or that the defendant is concealing or has concealed his property in the District or elsewhere, or is about to remove the same from this District or the place of his residence, in order to evade the payment of the debt, or that, being a resident of the District and domiciled therein, is about to abscond without paying the debt, and with a view to avoid the payment of the same, setting forth all the facts on which said allegations of fraud or breach of trust are founded, and in all cases setting forth the grounds, nature, and particulars of the claim.

Sufficiency of affidavit and amount of bail to be determined, how.

In cases where the affidavit is not signed previously to issuing the writ.

The sufficiency of the affidavit to hold to bail, and the amount of bail to be given, shall upon application of the defendant, be decided by the court in term time, and by any single judge in vacation. In all cases in which the affidavit required by this act is not filed previously to issuing the writ, the defendant, upon its service, shall not be required to give bail, but merely to sign an order to the clerk of the court to enter his appearance in the cause, which, if he refuses to do he may then be held to bail as in other cases.

Relative to the discharge of persons now held to bail in civil suits.

§ 2. *And be it further enacted,* That any person now held to bail in a civil suit in the said District may apply to the Circuit Court of the said District in term time, or to any judge thereof in vacation, for a rule to show cause why he shall not be discharged on filing a common appearance, and shall be so discharged unless the plaintiff or his agent shall file a sufficient affidavit, in conformity with the provisions of the preceding section, within a reasonable period of time, to be assigned by the court or the judge to whom the application is made. *Approved, August 1st, 1842.*

Act of 1839, c. 68, vol. 4, p. 2191.

CHAP. 131.—An act to extend the provisions of an act entitled "An act to regulate processes in the courts of the United States," passed the nineteenth May, one thousand eight hundred and twenty-eight.

§ 1. *Be it enacted &c.,* That the provisions of an act entitled "An act to regulate processes in the courts of the United States," passed the nineteenth day of May, one thousand eight hundred and twenty-eight, shall be, and they are hereby, made applicable to such States as have been admitted into the Union since the date of said act. *Approved, August 1st, 1842.*

Act 19th May, 1850, made applicable to States since admitted into the Union.

CHAP. 135.—An act granting to the county of Johnson, in the Territory of Iowa, the right of pre-emption to a tract of land for a seat of justice for said county, and repealing the second section of an act approved the third day of March, eighteen hundred and thirty-nine, entitled "An act making a donation of land to the Territory of Iowa, for the purpose of erecting public buildings thereon." Act of 1839, c. 361, ante p. 2777.

§ 1. *Be it enacted, &c.,* That the right of pre-emption at the minimum price for which the public lands are sold, is hereby granted to the county of Johnson, in the Territory of Iowa, for the fractional northwest quarter, east of the river, of section number fifteen, in township seventy-nine, of range six, west of the principal meridian, as reported to the land offices at Dubuque, in said Territory, containing one hundred and seventeen acres and sixty-four one hundredths of an acre, more or less, on the same terms and conditions expressed in the act of the twenty-sixth day of May, eighteen hundred and twenty-four, entitled "An act granting to the counties and parishes of each State and Territory of the United States, in which the public lands are situated, the right of pre-emption to quarter sections of land for seats of justice within the same;" which said right of pre-emption is in lieu of that to the quarter section heretofore located by the commissioners of said county, which is relinquished. Right of pre-emption, at the minimum price, granted for certain land, on the terms contained in act 26th May, 1824, in lieu of other land relinquished.

§ 2. *And be it further enacted,* That so much of the second section of an act entitled "An act making a donation of land to the Territory of Iowa, for the purpose of erecting public buildings thereon," approved the third day of March, eighteen hundred and thirty-nine, as directed the contiguous sections to the section to be selected under said act, for the purpose aforesaid, to be reserved from sale or entry until the further action of Congress thereon, be, and the same is hereby, repealed: *Provided,* That the right of pre-emption shall not accrue to any person or persons who now are or may hereafter settle on said lands under any existing pre-emption law. *Approved, August 1st, 1842.* So much of 2d section of act 3d March, 1839, as directed the sections contiguous to those selected to be reserved, repealed. Proviso relative to the right of pre-emption to said lands.

CHAP. 145.—An act to constitute the ports of Stonington, Mystic river, and Pawcatuck river, a collection district.

§ 1. *Be it enacted, &c.,* That the town of Stonington, in the county of New London, State of Connecticut, shall be a collection district, from and after the thirtieth day of June next; and that the port of Stonington, aforesaid, shall be, and hereby is, made a port of entry. Stonington made a collection district and a port of entry.

§ 2. *And be it further enacted,* That the district of Stonington shall comprehend all the waters, shores, bays, and harbors, from the west line of Mystic river, including the village of Portersville and Noank, in the town of Groton, State of Connecticut, to the east line of Pawcatuck river, including the town of Westerly, State of Rhode Island, any thing in any former law to the contrary notwithstanding. District of Stonington designated.

§ 3. *And be it further enacted,* That from and after the thirtieth day of July present, the office of surveyor of the port of Office of Surveyor abolished.

A collector to be appointed—his salary and duties.

Stonington, aforesaid, be, and the same is hereby abolished; and a collector of the aforesaid district shall be appointed, to reside at the port of Stonington, who, in addition to his other emoluments, shall be entitled to receive the salary now allowed by law to the surveyor, aforesaid, and no more; and said collector shall also perform the duties heretofore enjoined on the surveyor.

Approved, August 2d, 1842.

CHAP. 146.—An act making appropriations for the naval service for the year one thousand eight hundred and forty-two.

Pay of officers and seamen.

Proviso relative to the increase of officers

No. 1. For pay of commission, warrant, and petty officers and seamen, two million three hundred and thirty-five thousand dollars: *Provided*, That till otherwise ordered by Congress, the officers of the navy shall not be increased beyond the number in the respective grades that were in the service on the first day of January, eighteen hundred and forty-two, nor shall there be any further appointment of midshipmen until the number in the service be reduced to the number that were in service on the first day of January, eighteen hundred and forty-one, beyond which they shall not be increased until the further order of Congress.

Approved August 4th, 1842.

CHAP. 147.—An act to provide for the armed occupation and settlement of the unsettled part of the peninsula of East Florida.

Certain persons settling in part of Florida entitled to a quarter section of land on the following conditions:

§ 1. *Be it enacted, &c.*, That any person, being the head of a family, or single man over eighteen years of age, able to bear arms, who has made or shall, within one year from and after the passage of this act, make an actual settlement within that part of Florida situate and being south of the line dividing townships numbers nine and ten south, and east of the base line, shall be entitled to one quarter section of said land, on the following conditions and stipulations:

To obtain a permit describing the land,

Proviso excluding residents who own 160 acres of land.

First. That said settler shall obtain from the register of the land office, in the district in which he proposes to settle, a permit describing as particularly as may be practicable, the place where his or her settlement is intended to be made: *Provided*, That no person who shall be a resident of Florida at the time of the passage of this act, who shall be the owner of one hundred and sixty acres of land, at the time he proposes to settle, shall be entitled to a permit from the register.

Five years' residence.

Erection of a house, &c.

Second. That said settler shall reside in the Territory of Florida, south of said township line, for five consecutive years, and to take his grant on any public land south of that township.

Third. That said settler shall erect thereon a house fit for the habitation of man, and shall clear, enclose, and cultivate at least five acres of said land, and reside thereon for the space of four years next following the first year after the date of his permit, if he or she shall so long live.

Settlements, &c. to be proved.

Fourth. That such settler shall, within one year after the survey of said lands, and the opening of the proper office for the

entry and sale of the same by the United States, prove before such tribunal and in such manner and form as shall be prescribed by the Commissioner of the General Land Office, with the approval of the President, the fact that the settlement has been commenced, and the particular quarter section upon which it is located; and, also, that such settler shall, within six months after the expiration of five years from the date of his permit, prove, in like manner, the fact of continued residence and cultivation, as required in the second and third conditions herein above prescribed; whereupon, and not until then, a patent shall issue to said settler, for such quarter section.

§ 2. *And be it further enacted*, That in the case of the settlement of the same quarter section by two or more settlers, the right to the location shall be determined by priority of settlement, to be ascertained under such rules as the Commissioner of the General Land Office, with the approval of the President, may prescribe; and the subsequent settler or settlers shall be permitted to locate the quantity he, she, or they may be entitled to elsewhere within the same township, upon vacant public lands.

In case of settlement by two or more, the right to be determined by priority, &c.

§ 3. *And be it further enacted*, That no right or donation shall be acquired under this act within two miles of any permanent military post of the United States, established and garrisoned at the time such settlement and residence was commenced.

Settlements not to be within two miles of a permanent military post

§ 4. *And be it further enacted*, That all sales, gifts, devises, agreements, bonds, or powers to sell, transfers, or liens, whatever, private or judicial, of the lands, or any portion thereof, acquired by this act, made at any time before patents shall have issued for the same, shall be utterly void and without effect, to every intent and purpose, whether in law or equity; and the purchaser or obligee, under any such sale, agreement, bond or power to sell, transfer, or lien, shall not be entitled to recover back the price or consideration paid therefor, but shall forfeit the same absolutely to such settler or his heirs.

Sales, &c. of land acquired by this act, made before the patents have issued, void, &c.

§ 5. *And be it further enacted*, That upon the death of any settler before the end of the five years, or before the issuing of the patent, all his rights under this act shall descend to his widow and heirs at law, if he leaves a widow, and to his heirs at law, if he leaves none, to be held and divided by them according to the laws of Florida, any previous sale or transfer of the same or of any interest, legal or equitable, in the same, to the contrary notwithstanding. And proof of his compliance with the conditions of this act, up to the time of his death, shall be sufficient to entitle them to the patent.

On death of a settler, his rights descend to his widow and heirs at law.

§ 6. *And be it further enacted*, That where any settlement, by the erection of a dwelling, or the cultivation of any portion thereof, shall be made upon the sixteenth section, before the same shall be surveyed, then, and in that case other lands shall be selected by the school commissioners of the township, in lieu of said section sixteen, or such part thereof as may be claimed under this act.

In case of settlement, before survey, on a sixteenth section, other school lands to be selected.

§ 7. *And be it further enacted*, That not exceeding two hun-

Land for settlement limited to 200,000 acres.

dred thousand acres of land shall be taken for settlement under this act.

President may suspend the settlement.

§ 8. *And be it further enacted*, That the President of the United States may, at any time, by proclamation, suspend all further permits and settlements under this act, by giving three months' notice thereof.

Names of settlers. &c. to be reported to Congress.

§ 9. *And be it further enacted*, That the Commissioner of the General Land Office shall, on or before the first day of February, eighteen hundred and forty-four, report to Congress the names of every individual who shall have made the actual settlement required by the first section of this act, specifying the heads of families, and the single men, and the location of each quarter section occupied by each of said settlers.

Approved, August 4th, 1842.

CHAP. 148.—An act to regulate appeals and writs of error from the district court of the United States for the northern district of Alabama.

To lie to U. S. Supreme Court when the amount exceeds \$2,000, exclusive of costs.

§ 1. *Be it enacted, &c.*, That all appeals and writs of error, from the district court of the United States for the northern district of Alabama, at Huntsville, shall lie directly to the Supreme Court of the United States, when the amount in controversy exceeds the sum of two thousand dollars, exclusive of costs; and that so much of the act to abolish the circuit court at Huntsville, in the State of Alabama, and for other purposes, as requires all appeals and writs of error to lie from said district court to the circuit court at Mobile, without regard to the amount in controversy, be repealed.

Approved, August 4th, 1842.

CHAP. 152.—An act to provide for the settlement of the claims of the State of Georgia for the services of her militia.

So much of \$175,000 appropriated to indemnify Georgia for expenses of calling out her militia for the suppression of Indian hostilities as may be necessary after making certain deductions.

§ 1. *Be it enacted, &c.*, That the sum of one hundred and seventy-five thousand dollars be, and the same is hereby, appropriated to the payment and indemnity of the State of Georgia, for any money actually paid by said State on account of necessary and proper expenses incurred by said State in calling out her militia, in the years eighteen hundred and thirty-five, eighteen hundred and thirty-six, eighteen hundred and thirty-seven, and eighteen hundred and thirty-eight, during the Seminole, Cherokee, and Creek campaigns, or for the suppression of Indian hostilities in Florida and Alabama, or so much of said sum as may be necessary for the purposes aforesaid, after deducting any sum or sums of money that may have heretofore been advanced by the United States to the State of Georgia, to be applied to the objects aforesaid, and which may not have been previously so applied.

What would have been due, had said militia been called into the U. S. service, to be first ascertained, &c.

§ 2. *And be it further enacted*, That the Paymaster General of the United States army and the accounting officers of the Treasury shall first ascertain and certify what would have been due from the United States to the volunteers and militia called into the service of the said State of Georgia, or by her proper authorities, during the time and for the purposes mentioned in the

preceding section, if said volunteers and militia had been duly called into the service of the United States, and regularly received and mustered by officers of the United States army, according to the laws and regulations which have governed in the payment of the volunteers and militia of other States: *Provided*, That the accounts of the agent or other officer of the State of Georgia, employed or authorized to make payments for the aforesaid services, or any of them, be submitted to the Paymaster General and the accounting officers, for their inspection: *And provided, also*, That no reimbursement shall be made on account of the payment of any volunteers or militia, who refused to be received and mustered into the service of the United States, or to serve under officers of the United States army, if any may have been ordered to that service by the President of the United States or other proper authority. *Approved, August 11th, 1842.*

Provide: accounts of the agent of Georgia be submitted for inspection.

Provide: no reimbursement to be made for those who refused to be mustered in the U. S. service.

CHAP. 153.—An act to settle the title to certain tracts of land in the State of Arkansas.

§ 1. *Be it enacted, &c.*, That each and every owner of a Spanish or French land claim, in the State of Arkansas, which was submitted for adjudication to the superior court of the late Territory of Arkansas, and by that court confirmed, being subsequent purchasers for a valuable consideration, is hereby authorized, within twelve months from the passage of this act, to enter, respectively, the land covered by the said claim, at the minimum price, under such regulations as the Commissioner of the General Land Office shall prescribe; *Provided*, That no such entry shall be made, except of lands mentioned and described in the original claim, or of such tracts as have been located in pursuance of the act of the twenty-sixth of May, eighteen hundred and twenty-four, entitled "An act enabling the claimants to lands within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims," or any act reviving the same; nor unless the owner of the claim shall make and subscribe an oath, before the register or receiver of the land office of the district in which the lands lie, which oath such register or receiver is hereby authorized to administer, that at the time he became the owner of the claim he had no notice or knowledge that the claim was fraudulent, or that the same rested upon any forged warrant, grant, order of survey, or other evidence of title. And, for every entry made under the provisions of this act, a patent shall issue, as though no Spanish or French claim had ever been entered upon said land.

Owners of certain Spanish and French land claims authorized to enter the same, how

Provide: entry to be made of entry certain lands.

Act of 1824, c. 173, vol. 3, p. 1362.

Patents to issue as though no Spanish or French claim had been entered on said lands.

Approved, August 11th, 1842.

CHAP. 154.—An act regulating the services of the several judges in the Territory of Iowa.

§ 1. *Be it enacted, &c.*, That until otherwise ordered by law of the Legislative Assembly of the Territory of Iowa, the judges for said Territory lately appointed shall be, and they are hereby,

Assignment of the judges to districts.

assigned to the same districts to which the same judges respectively, were heretofore assigned by the laws of the said Legislative assembly of the Territory of Iowa.

Approved, August 11th, 1842.

CHAP. 155.—An act in relation to the district court for the northern district of New York.

Clerk of the court may appoint a deputy in his power.

Deputy to take an oath.

Clerk responsible for acts of his deputy.

§ 1. *Be it enacted, &c.,* That it shall be lawful for the clerk of the district court for the northern district of New York, to appoint a deputy, who, in his absence, may exercise all the official powers of the said clerk, at the village of Auburn, in the county of Cayuga, in the said district. And such deputy, before he enters on the discharge of his duties, shall take the usual oath for the faithful performance of his duties as such deputy. And nothing herein contained shall be held to excuse or release the said clerk from legal responsibility for acts performed by his said deputy, in behalf of said clerk in the office aforesaid.

Approved, August 11th, 1842.

Act of 1842, c. 146, ante p. 2079.

CHAP. 202.—An act explanatory of an act entitled "An act to constitute the ports of Stonington, Mystic river, and Pawcatuck river, a collection district."

Construction of the first section of the act.

§ 1. *Be it enacted, &c.,* That the first section of the act entitled "An act to constitute the ports of Stonington, Mystic river, and Pawcatuck river, a collection district," shall be construed in the same manner it would have been had the words "from and after the thirtieth day of June next" been wholly omitted in said section.

Said act to take effect from and after 3d August, 1842.

§ 2. *And be it further enacted,* That the aforesaid act entitled "An act to constitute the ports of Stonington, Mystic river, and Pawcatuck river, a collection district," approved August third eighteen hundred and forty-two, shall take effect in all its provisions, and be in force as hereby explained, from and after the said third day of August, eighteen hundred and forty-two.

Approved, August 16th, 1842.

CHAP. 203.—An act authorizing the settlement and payment of certain claims of the State of Alabama.

Secretary of War to audit and adjust the claims of Alabama, &c.

§ 1. *Be it enacted, &c.,* That the Secretary of War be, and hereby is, directed to audit and adjust the claims of the State of Alabama, under such laws and regulations as have heretofore governed the Department in auditing and allowing the claims of the States on the United States, for moneys advanced and paid by said State, for subsistence, supplies, and services of local troops called into service by and under the authorities of said State, but not mustered into the service of the United States, and for provisions and forage furnished the friendly Indians during the Creek and Seminole hostilities, in the years eighteen hundred and thirty-six, and eighteen hundred and thirty-seven, in all cases in which the payment was for subsistence, supplies, service, provis-

ions, and forage, which would have been paid for under existing laws and regulations, if such troops had been mustered into the service of the United States, and the provisions and forage had been furnished by an agent of the United States; and that the sum so found due to said State be paid out of any money in the Treasury not otherwise appropriated: *Provided*, That in auditing and adjusting said claims, duly authenticated copies of papers which have been lost or destroyed, upon due proof of such loss or destruction, shall be received as evidence.

Sum found due to be paid.

Proviso: authenticated copies of lost papers, admitted, on proof of such loss.

§ 2. *And be it further enacted*, That the Secretary of War be, and he hereby is, required to report to the House of Representatives a schedule of such claims as may be presented for adjustment under this act, and not allowed, with the reasons for such disallowance, at the next session of Congress.

Report on claims presented and not allowed, to be made to the House of Representatives.

Approved, August 16th, 1842.

CHAP. 204.—An act to change the name of the port of entry on Lake Erie, known as Portland, to that of Sandusky.

§ 1. *Be it enacted, &c.*, That from and after the first day of October, in the year of our Lord one thousand eight hundred and forty-two, the port of Portland on Lake Erie, in the district of Sandusky, in the State of Ohio, shall be called the port of Sandusky.

After 1st October, 1842, Portland to be called Sandusky.

Approved, August 16th, 1842.

CHAP. 205.—An act to amend the act entitled "An act supplementary to the act entitled 'An act to amend the judicial system of the United States,'".

Act of 1837, c. 402, vol. 4. p. 3538.

§ 1. *Be it enacted, &c.*, That the fourth circuit shall be composed of the districts of Maryland, Delaware and Virginia;

What districts shall compose the 4th.

The fifth circuit shall be composed of the districts of Alabama and Louisiana;

5th, and

The sixth circuit shall be composed of the districts of North Carolina, South Carolina, and Georgia.

6th circuits.

The circuit courts in the district of Virginia shall be holden at Richmond on the first Monday in May and on the fourth Monday in November.

Times of holding circuit courts in Virginia, and

The circuit courts in the district of North Carolina shall be holden on the fourth Monday of May and second Monday in December.

North Carolina.

This act shall not take effect until the first day of February next, before which time the justices of the Supreme Court of the United States, or a majority of them, shall allot the several districts among the Justices of the said Court.

Act to take effect 1st February next.

Justices of the Supreme Court to allot the districts.

§ 2. *And be it further enacted*, That when the time of holding any court, by this act has been changed, all processes, proceedings, and causes shall be returned and held to be continued to the said courts, at the times herein provided for their meeting, respectively.

Processes, &c., returnable at the times of holding the court.

Approved, August 16th, 1842.

CHAP. 206.—An act requiring foreign regulations of commerce to be laid annually before Congress.

Changes in the commercial systems of other nations to be communicated.

§ 1. *Be it enacted, &c.*, That it shall be the duty of the Secretary of State to lay before Congress, annually, at the commencement of its session, in a compendious form, all such changes and modifications in the commercial systems of other nations, whether by treaties, duties on imports and exports, or other regulations, as shall have come to the knowledge of the Department.

Approved August 16th, 1842.

CHAP. 207.—An act to grant pre-emption rights to settlers on the "Dubuque claim" so called, in the Territory of Iowa.

Certain lands reserved for the Dubuque claim declared to be public lands.

§ 1. *Be it enacted, &c.*, That the lands lying in the county of Dubuque, in the Territory of Iowa, heretofore reserved for the Dubuque claim, so called, which have not been sold by the United States, by virtue of the acts of the fourth day of July, one thousand eight hundred and thirty-six, and the third day of March, one thousand eight hundred and thirty-seven, be, and the same are hereby, declared to be public lands, and that settlers on said land, who but for said reservation would have been enabled to enter the same under the pre-emption laws of nineteenth June, one thousand eight hundred and thirty-four, twenty-second June, one thousand eight hundred and thirty-eight, first June, one thousand eight hundred and forty, or fourth September, one thousand eight hundred and forty-one, be, and they are hereby, authorized to enter the same at one dollar and twenty-five cents per acre, at any time within one year after the date of this act, upon complying with the provisions of either of said acts under which such person may claim; the settlers under the earlier law being entitled to the preference over those under a subsequent one:

Settlers, but for said reservation, entitled to pre-emption under certain laws, may enter same.

Preference to settlers under the earliest law.

Proviso: lands reserved from pre-emption.

Proviso: if Dubuque claim prove valid, compensation to be made.

Provided, That this section is not to be regarded as extending the right of pre-emption to lands reserved for lead mines, salt springs, school sections, or town lots: *And provided further*, That should the said claim of Dubuque hereafter prove valid, compensation to the claimants shall be made by the United States in other public lands equal in quantity, subject to private entry.

Approved August 16th, 1842.

CHAP. 209.—An act to establish an auxiliary watch for the protection of public and private property in the city of Washington.

Guard to be established.

§ 1. *Be it enacted, &c.*, That there shall be established an auxiliary guard or watch for the protection of public and private property against incendiaries, and for the enforcement of the police regulations of the city of Washington, consisting of a captain, to be appointed by the Mayor of the said city, at an annual salary of one thousand dollars; and fifteen other persons, to be employed by the captain, five of whom shall receive a compensation of thirty-five dollars per month, and the remaining ten, a compensation of thirty dollars per month.

To consist of a captain and fifteen others—their pay.

§ 2. *And be it further enacted*, That the said auxiliary

guard shall occupy, as a rendezvous, such building or part of a building belonging to the United States, or furnished by the corporation of Washington, as shall be directed by the President of the United States, and shall be subject to such rules and regulations as may be prescribed by a board to consist of the mayor of the city of Washington, the attorney of the United States for the District of Columbia, and the attorney of the corporation of the said city of Washington, with the approbation of the President of the United States.

Places of rendezvous to be directed by the President.

Rules to be prescribed, how.

§ 3. *And be it further enacted*, That for the compensation of said auxiliary guard, and for the purchase of the necessary and proper implements to distinguish them in the discharge of their duties, the sum of seven thousand dollars is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

\$7,000 appropriated.

Approved, August 23d, 1842,

CHAP. 210.—An act to amend an act, entitled "An act to provide for the payment of horses, or other property, lost or destroyed in the military service of the United States," approved the eighteenth day of January, eighteen hundred and thirty-seven.

Act of 1837, c. 372. vol. 4, p. 2520.

§ 1. *Be it enacted, &c.*, That the above recited act be so amended, as to embrace the claims of any field, or staff, or other officer, mounted militiaman, volunteer, ranger, or cavalry, who has or shall sustain damage, without any fault or negligence on his part, while in the military service of the United States, by the loss of a horse, destroyed or abandoned by order of the commanding general or other commanding officer, or by the loss of a horse by being shot, or otherwise lost or destroyed by unavoidable accident, without any fault or negligence of the owner, and when he was in the line of his duty, and for the loss of necessary accipage, in consequence of the loss of his horse, as aforesaid, shall be allowed and paid the value thereof at the time of entering the service.

Act 18th January, 1837, amended so as to embrace certain other claims for the loss of horses; &c.

§ 2. *And be it further enacted*, That in auditing and settling the claims provided for in this, and in the act which this is intended to amend, an appeal may be taken and prosecuted from the decision of the Auditor rejecting the claim, to the Second Comptroller of the Treasury, under the direction of the Secretary, whose decision shall be conclusive.

An appeal may be taken to the 2d comptroller, when

§ 3. *And be it further enacted*, That it shall, and may be lawful to make compensation for horses, bridles, saddles, and equipments, turned over to the service of the United States, under the act approved October fourteenth, eighteen hundred and thirty-seven, whenever it shall be made to appear that the person to whom they were ordered to be delivered was acting as an officer, although there may be no returns in the Department to show his regular appointment as such officer. And the certificates of proper officers, whether given during or since the expiration of their term of service, shall be receivable by the Auditor in the settlement of such claims.

Horses, &c., turned over to the U. S. may be paid for under act 14th October, 1837, when.

Evidence receivable.

Approved, August 23d, 1842.

CHAP. 211.—An act respecting the organization of the army, and for other purposes.

Dragoons to be reduced.
 § 1. *Be it enacted &c.*, That hereafter, and so soon as the reduction can be effected as herein provided, each company of dragoons shall consist of the commissioned officers as now provided by law, and of four sergeants, four corporals, two buglers, one farrier and blacksmith, and fifty privates; and the second regiment of dragoons now in service shall be converted, after the day of March next, into a regiment of riflemen: and each company of artillery shall consist of the commissioned officers as now provided by law, and of four sergeants, four corporals, two artificers, two musicians and forty-two privates; and each company of infantry shall consist of the same number of commissioned officers as now provided, and of four sergeants, four corporals, two musicians and forty-two privates; and that no recruits shall be enlisted for the dragoons, artillery, or infantry, until the numbers in the several companies shall be reduced by the expiration of the term of service, by discharge, or other causes, below the number herein fixed for the said companies respectively. *Provided*, That nothing in this section shall be construed to prevent the re-enlistment of non-commissioned officers whose term of service may expire before the army shall be reduced to the number heretofore established.

Artillery to be reduced.
See act of 1844, c. 11, post p.
Infantry to be reduced.
No enlistments to be made till after the reduction.
Provide: re-enlistment of non-commissioned officers allowed.

Offices of superintendents of armories, at Springfield and Harper's Ferry, abolished.
 § 2. *And be it further enacted*, That the offices of the superintendents of the armories at Springfield and at Harper's Ferry shall be, and the same are hereby abolished, and the duties thereof shall be performed by such officers of the ordnance corps as shall be designated by the President; and that from and after the first day of October next, the master armorers, at the national armories, shall receive, each, twelve hundred dollars, annually, payable quarter yearly; and the inspectors and clerks each eight hundred dollars per annum; and the paymasters and military storekeepers, at the armories, and at the arsenals of construction at Pittsburg, Watervliet, and Washington city, shall receive each twelve hundred and fifty dollars annually, payable in like manner, and the said paymasters and military storekeepers, shall give security for the faithful discharge of their duties, in such sum as the Secretary of War shall prescribe. And the two military storekeepers, authorized by the act of second of March, one thousand eight hundred and twenty-one, shall receive each, twelve hundred and fifty dollars per annum. And no military storekeeper, at arsenals, shall, after the first day of October next, receive as pay, or emoluments, beyond eight hundred dollars per annum, besides quarters actually provided and occupied as such, and the number authorized to be thus employed is hereby limited to ten; and all other offices of military storekeepers are hereby abolished, and discontinued, on and after said first day of October, and the officers hereby dismissed, shall be allowed three months' pay in addition to the pay and emoluments to which they may be entitled on that day. And none of the above named officers, and no of-

Duties to be performed by whom.
Relative to master armorers, inspectors, clerks, paymasters and military storekeepers.

ficers at the armories, of any grade whatever, shall hereafter receive emoluments of any kind, or any compensation or commutation beyond their stipulated pay, in money, except quarters actually provided for and occupied by such officers.

§ 3. *And be it further enacted*, That the office of Commissary General of Purchases, sometimes called Commissary of Purchases, shall be, and the same is hereby abolished, and the duties thereof shall hereafter be performed by the officers of the Quartermaster's department, with such of the officers and clerks now attached to the Purchasing department as shall be authorized by the Secretary of War, and under such regulations as shall be prescribed by the said Secretary, under the sanction of the President of the United States.

Office of Commissary General of Purchases abolished. Duties to be performed by whom, &c.

§ 4. *And be it further enacted*, That, within one month after the passage of this act, the offices of one inspector general, of three paymasters, two surgeons and ten assistant surgeons of the army shall be abolished, and that number of paymasters, surgeons and assistant surgeons, shall be discharged by the President, and they shall be allowed three months pay, in addition to the pay and emoluments to which they may be entitled at the time of their discharge.

Officers of Inspector General, 3 paymasters, 2 surgeons, and 10 assistants abolished, &c.

§ 5. *And be it further enacted*, That a competent person may be employed by the Ordnance bureau, under the direction of the Secretary of War, for such time as may be necessary, to superintend the manufacture of iron cannon at the several foundries where such cannon may be made under contracts with the United States, whose pay and emoluments shall not exceed those of a major of ordnance during the time he shall be so employed, to be paid out of the appropriations for armament of fortifications; and for the services rendered in such superintendence since the first day of March, eighteen hundred and forty-one, under the authority of the War Department; the same compensation shall be allowed as herein provided.

Employment of a person to superintend the manufacture of iron cannon authorized.

§ 6. *And be it further enacted*, That the rations authorized to be allowed to a brigadier while commander-in-chief, and to each officer while commanding a separate post, by the act of March third, seventeen hundred and ninety-seven, and to the commanding officers of each separate post, by the act of March sixteen, eighteen hundred and two, shall hereafter be allowed to the following officers and no others; to the major general commanding the army, and to every officer commanding in chief a separate army, actually in the field; to the generals commanding the eastern and western geographical divisions; to the colonels or other officers commanding military geographical departments; to the commandant of each permanent or fixed post, garrisoned with troops, including the superintendent of the military academy at West Point, who is regarded as the commandant of that post. *Approved, August 23d, 1842.*

Rations allowed to certain officers by acts of the 3d March 1797, and 16th March, 1802, hereafter allowed to the following officers only.

Act of 1837, c. 407, vol. 3, p. 25-43.

Act of 1838, vol. 3, ante p.

Acts of 3d March, 1837, and 22d February, 1838, so far as not repealed or modified by this act, revived

CHAP. 187. An act to provide for the satisfaction of claims arising under the fourteenth and nineteenth articles of the treaty of Dancing Rabbit creek, concluded in September, one thousand eight hundred and thirty.

§ 1. *Be it enacted, &c.,* That the act approved on the third of March, eighteen hundred and thirty-seven, entitled "An act for the appointment of commissioners to adjust the claims to reservations of land under the fourteenth article of the treaty of eighteen hundred and thirty, with the Choctaw Indians: and also, the act approved on the twenty-second day of February, eighteen hundred and thirty-eight, entitled "An act to amend an act entitled 'An act for the appointment of commissioners to adjust the claims to reservations of land under the fourteenth article of the treaty of eighteen hundred and thirty, with the Choctaw Indians,' so far as the same are not repealed or modified by the provisions of this act," be, and the same are hereby, revived and continued in force until the powers conferred by this act shall be fully executed, subject, nevertheless, to repeal or modification by any act of Congress. And all the powers and duties of the commissioners are hereby extended to claims arising under the nineteenth article of the said treaty, and under the supplement to the said treaty, to be examined in the same manner and with the same effect as in cases arising under the fourteenth article of the said treaty: *Provided*, That the salary of said Commissioners shall not exceed the rate of two thousand five hundred dollars per annum.

Powers, &c., of the commissioners extended to claims under 19th article of, and supplement to, said treaty.

Provido: salary of commissioners licensed to \$2,500.

Commissioners may issue subpoenas for the attendance of witnesses, &c.

Marshals, &c., may execute process, &c.,—their fees.

Provido: employment and pay of U. S. Attorneys for the Districts of Mississippi, so authorized.

When the commissioners shall have ascertained that any Choctaw has complied or offered to comply with the requi-

§ 2. *And be it further enacted*, That subpoenas for the attendance of witnesses before the said commissioners, and process to compel such attendance may be issued by the said commissioners, or any two of them, under their seals in the same manner and with the same effect as if issued by courts of record, and may be executed by the marshal of any district, or by any sheriff, deputy sheriff or other peace officer designated by the said commissioners, who shall receive for such services the same fees as are allowed in the district court of the United States for the district in which the same shall be rendered for similar services, to be paid, on the certificate of the commissioners, out of the contingent fund appropriated by the fourth section of the act secondly above recited, which was approved on the twenty-second day of February, one thousand eight hundred and thirty-eight, and which is revived by this act: *Provided*, That nothing herein contained shall be construed to revive such portion of the act approved the third day of March, one thousand eight hundred and thirty-seven, referred to in the first section of this act, as provides for the employment and pay of the district attorney of either of the districts of the State of Mississippi.

§ 3. *And be it further enacted*, That when the said commissioners shall have ascertained that any Choctaw has complied or offered to comply with all the requisites of the fourteenth article of the said treaty, to entitle him to any reservation under that ar-

ticle, which requisites are as follows, to wit: that said Choctaw Indian did signify his or her intention to the agent in person, or by some person duly authorized and especially directed, by said Indian, to signify the intention of said Indian to become a citizen of the State, within six months from the date of the ratification of the said treaty, and had his or her name, within the time of six months aforesaid, enrolled on the register of the Indian agent aforesaid, for that purpose; or shall prove, to the entire satisfaction of the said commissioners and to the Secretary of War, that he or she did signify his or her intention, within the term of six months from the date of the ratification of the treaty aforesaid, if his or her name was not enrolled in the register of the agent aforesaid, but was omitted by said agent; and, secondly, that said Indian did, at the date of making said treaty, to wit, on the twenty-seventh day of September, eighteen hundred and thirty, have and own an improvement in the then Choctaw country; and that having and owning an improvement, at the place and time aforesaid, did reside upon that identical improvement, or a part of it, for the term of five years continuously, next after the ratification of said treaty, to wit, from the twenty-fourth of February, eighteen hundred and thirty one, to the twenty-fourth of February, eighteen hundred and thirty-six, unless it shall be made to appear that such improvement was, before the twenty-fourth day of February, eighteen hundred and thirty-six, disposed of by the United States, and that the reservee was dispossessed by means of such disposition; and thirdly, that it shall be made to appear, to the entire satisfaction of said commissioners, and to the Secretary of War, that said Indian did not receive any other grant of land under the provisions of any other article of said treaty; and, fourthly, that it shall be made to appear, in like manner, that said Indian did not remove to the Choctaw country west of the Mississippi river, but he or she had continued to reside within the limits of the country ceded by the Choctaw Indians to the United States, by said treaty of twenty-seventh September in the year eighteen hundred and thirty, it shall be the duty of said commissioner, if all and each of the above requisites shall be made clearly to appear to their satisfaction, and the Secretary of War shall concur therein, to proceed to ascertain the quantity of land to which said Indian, by virtue of the fourteenth article of said treaty, is entitled to, which, when ascertained, shall be located for said Indian, according to sectional lines, so as to embrace the improvement, or a part of it, owned by said Indian at the date of said treaty; and it shall be the duty of the President of the United States to issue a patent to said Indian for said land, if he or she be living, and if not, to his or her heirs and legal representatives; and in like manner shall the commissioners aforesaid ascertain the quantity of land granted by said article to each child of said Indian, according to the limitations contained in said article, and locate said quantity, for said children, contiguous to and adjoining the improvement of the parent of such

sites of the 14th article of the treaty to entitle him to a reservation.

Or said Indian shall prove that he did signify his intention to become a citizen, &c.

And 2dly that at the date of the treaty, he owned an improvement and resided thereon the 5 years following the ratification, unless, &c.

And 3dly that he did not receive other land under the treaty.

And 4thly that he continued to reside in the ceded country.

They shall ascertain the quantity of land he is entitled to which shall be located, and a patent issued,

Quantity due to each child of said Indian to be ascertained in like manner, located and a patent issued.

If U. S. have disposed of land to which any Indian was entitled under the 14th article, the commissioners shall allow other land.

Certificates for the land to be given, how.

Commissioners shall ascertain the Choctaws who relinquished or offered to relinquish reservations under the 19th article or who had reservations sold; and determine, &c.

proviso: no claim shall be considered or allowed for any Indian whose name does not appear on the lists of Maj. Armstrong, &c.

Commissioners to report their proceedings, &c. to the President, when.

Powers, &c. of the commissioners to cease, when.

child or children; and the President shall issue a patent for each tract of land thus located, to said Indian child, if living, and if not, to the heirs and legal representatives of such Indian child. But if the United States shall have disposed of any tract of land, to which any Indian was entitled, under the provisions of said fourteenth article of said treaty, so that it is now impossible to give said Indian the quantity to which he was entitled, including his improvements, as aforesaid, or any part of it, or to his children, on the adjoining lands, the said commissioners shall, thereupon estimate the quantity to which each Indian is entitled, and allow him or her, for the same, a quantity of land equal to that allowed, to be taken out of any of the public lands in the States of Mississippi, Louisiana, Alabama, and Arkansas, subject to entry at private sale; and certificates to that effect shall be delivered, under the direction of the Secretary of War, through such agent as he may select, not more than one-half of which shall be delivered to said Indian until after his removal to the Choctaw territory west of the Mississippi river. The said Commissioners shall also ascertain the choctaws, if any, who relinquished or offered to relinquish any reservations to which he was entitled under the nineteenth article of the said treaty, or whose reservations under that article had been sold by the United States; and shall also determine the quantity to which such claimant was entitled; and the quantity of land which should be allowed him on extinguishment of such claim, at the rate of two-fifths of an acre for every acre of the land to which said claimant was entitled, said land having been estimated under this article at fifty cents per acre: *Provided, nevertheless;* That no claim shall be considered or allowed by said commissioners, for or in the name or behalf of any Indian claimant whose name does not appear upon the lists or registers of claimants made by Major Armstrong, special agent for that purpose, in conjunction with the three chiefs of the three Choctaw districts, and returned to the Department of War in January, eighteen hundred and thirty-two, and who does not appear from those registers to be entitled to a reservation under said nineteenth article.

§ 4. *And be it further enacted,* That the said commissioners, within two years from the time of their entering upon the duties of their offices, and as often as shall be required by the President of the United States, shall report to him their proceedings in the premises, with a full and perfect list of the names of all the Choctaws whom they shall have determined to be entitled to reservations under this act; the quantity of land to which each shall be so entitled, the number of claims which can be located according to the provisions of the fourth section of this act, and such as cannot be located according to the provisions of the fourth section of this act; and the powers and duties of the said commissioners shall cease at the expiration of two years from the time of the first organization of the board; and their pro-

ceedings may be terminated by the President at any time previous to the expiration of the said two years.

§ 5. *And be it further enacted*, That the commissioners to be appointed under this act shall also ascertain and determine the quantity of land to which any Choctaw or other person named in the supplement to the said treaty of Dancing Rabbit creek was entitled by virtue thereof, and which such person has by any means been prevented from receiving.

Commissioners to determine claims under the supplement to the treaty.

§ 6. *And be it further enacted*, That if the President of the United States shall approve and confirm the determination of the commissioners heretofore appointed to investigate the claims existing under the fourteenth article of the said treaty of Dancing Rabbit creek, in any case, he shall cause to be delivered to the claimant, if he be a Choctaw Indian, his legal representatives or heirs, certificates, as provided by the fourth section of this act, for the quantity of land to which such claimant shall appear, by such determination, to have been entitled, in full satisfaction and discharge of such claim: *Provided*, Such determination was made by adhering, in every instance, to the requisites contained in the fourth section of this act: *And provided also*, That said claims, nor either of them, cannot now be located, according to the provisions of the fourth section of this act.

Upon approval by the President of the determination of the commissioners, certificates shall be delivered to the claimant, if a Choctaw.

Proviso.

Proviso.

§ 7. *And be it further enacted*, That distinct accounts shall be kept of the certificates issued in satisfaction of the claims provided for by this act, and of all expenses attending the execution of the same; and the amount thereof shall be retained and withheld from any distribution to the States.

Accounts to be kept of the certificates, &c. and the amount withheld from distribution to the States.

§ 8. *And be it further enacted*, That nothing in this act contained shall be so construed as to authorize the said commissioners to adjudicate any claim which may be presented by a white man who may have had, or now has, an Indian wife or family; and any patent to land, which shall issue on any Indian claim, under the provisions of the treaty aforesaid, shall be issued to the Indian to whom the claim was allowed, if living, and if dead, to his or her heirs, and legal representatives, any act of Congress, or usage, or custom, to the contrary notwithstanding.

Commissioners not to adjudicate claims of white men with Indian families.

Patents to be issued, how.

§ 9. *And be it further enacted*, That no claim shall be allowed, under the fourteenth article of said treaty, if the said commissioners shall be satisfied, by such proof as they may prescribe that said claim had been, previous to the expiration of five years from the ratification of said treaty, assigned, either in whole or in part; and in case of a partial assignment, or agreement for an assignment thereof the same shall be allowed so far only as the original Indian claimant was, at that date, the bona fide proprietor thereof.

No claim to be allowed under the 14th article of the treaty if assigned previous to the expiration of the five years from its ratification.

§ 10. *And be it further enacted*, That all claims under either of the articles of said treaty mentioned above, or the supplemental articles thereof, which shall not be duly presented to said commissioners for allowance within one year after the final pas-

Claims not presented within one year, forever barred.

sage of this act shall be thereafter forever barred. *Approved, August, 23d, 1842.*

Act of 1789, c. 20, vol. 1, p. 53.

CHAP. 188. An act further supplementary to an act entitled, "An act to establish the judicial courts of the United States," passed the twenty-fourth of September, seventeen hundred and eighty-nine.

Commissioners appointed by the circuit courts to take bail, &c. may exercise the powers of justice of the peace in certain cases.

§ 1. *Be it enacted, &c.,* That the commissioners who now are, or hereafter may be, appointed by the circuit courts of the United States to take acknowledgments of bail and affidavits, and also to take depositions of witnesses in civil causes, shall and may exercise all the powers that any justice of the peace, or other magistrate, of any of the United States may now exercise in respect to offenders for any crime or offence against the United States, by arresting, imprisoning, or bailing the same, under and by virtue of the thirty-third section of the act of the twenty-fourth of September, Anno Domini seventeen hundred and eighty-nine, entitled, "An act to establish the judicial courts of the United States; and who shall and may exercise all the powers that any judge or justice of the peace may exercise under and in virtue of the sixth section of the act passed the twentieth of July, Anno Domini seventeen hundred and ninety, entitled "An act for the government and regulation of seamen in the merchant service."

Justice or judge of U. S. or commissioner, may require defendant's witness to give recognizance for their appearance.

§ 2. *And be it further enacted,* That in all hearings before any justice or judge of the United States, or any commissioner appointed as aforesaid, under and in virtue of the said thirty-third section of the act entitled "An act to establish the judicial courts of the United States," it shall be lawful for such justice, judge, or commissioner, where the crime or offence is charged to have been committed on the high seas or elsewhere within the admiralty and maritime jurisdiction of the United States, in his discretion to require a recognizance of any witness produced in behalf of the accused, with such surety or sureties as he may judge necessary, as well as in behalf of the United States, for their appearing and giving testimony, at the trial of the cause, whose testimony, in his opinion, is important for the purposes of justice at the trial of the cause, and is in danger of being otherwise lost; and such witnesses shall be entitled to receive from the United States the usual compensation allowed to Government witnesses for their detention and attendance, if they shall appear and be ready to give testimony at the trial.

U. S. to pay such witnesses the same as Government witnesses.

District courts to have concurrent jurisdiction with the circuit courts of all offences not capital.

District Courts to hold monthly adjournment for the trial of such cases when purposes of justice require it.

§ 3. *And be it further enacted,* That the district courts of the United States shall have concurrent jurisdiction with the circuit courts of all crimes and offences against the United States, the punishment of which is not capital. And in such of the districts where the business of the court may require it to be done for the purposes of justice, and to prevent undue expenses and delays in the trial of criminal causes, the said district courts shall hold monthly adjournments of the regular terms thereof for the trial and hearing of such causes.

§ 4. *And be it further enacted*, That in lieu of the punishment now prescribed by the sixteenth section of the act of Congress, entitled, "An act for the punishment of certain crimes against the United States," passed on the thirtieth day of April Anno Domini one thousand seven hundred and ninety, for the offences in the said section mentioned, the punishment of the offender, upon conviction thereof, shall be by fine not exceeding one thousand dollars, or by imprisonment not exceeding one year or by both, according to the nature and aggravation of the offence.

Punishment prescribed by 16th sec. of act of April 30, 1790, changed so as not to exceed a fine of \$1000, or 1 year's imprisonment according to the offence.

Act of 1790, c. 36, vol. 1, p. 83.

§ 5. *And be it further enacted*, That the district courts as courts of admiralty, and the circuit courts as courts of equity, shall be deemed always open for the purpose of filing libels, bills, petitions, answers, pleas, and other pleadings, for issuing and returning mesne and final process and commissions, and for making and directing all interlocutory motions, orders, rules, and other proceedings whatever, preparatory to the hearing of all causes pending therein upon their merits. And it shall be competent for any judge of the court, upon reasonable notice to the parties in the clerk's office or at chambers, and in vacation as well as in term, to make and direct, and award all such process, commissions and interlocutory orders, rules, and other proceedings, whenever the same are not grantable of course according to the rules and practice of the court.

District and circuit courts to be always open for the purpose of filing libels, bills &c.

Any judge may direct and award all such process when not grantable of course.

§ 6. *And be it further enacted*, That the Supreme Court shall have full power and authority from time to time to prescribe and regulate, and alter the forms of writs and other process to be used and issued in the district and circuit courts of the United States, and the forms and modes of framing and filing libels, bills, answers, and other proceedings and pleadings, in suits at common law or in admiralty and in equity pending in the said courts and also the forms and modes of taking and obtaining evidence, and of obtaining discovery, and generally the forms and modes of proceeding to obtain relief, and the forms and modes of proceeding of drawing up, entering, and enrolling decrees, and the forms and modes of proceeding before trustees appointed by the court, and generally to regulate the whole practice of the said courts, so as to prevent delays, and to promote brevity and succinctness in all pleadings and proceedings therein, and to abolish all unnecessary costs and expenses in any suit therein.

Supreme Court to have power to prescribe, regulate and alter the forms of bills, writs, &c. and to regulate the whole practice of said courts.

§ 7. *And be it further enacted*, That for the purpose of further diminishing the costs and expenses in suits and proceedings in the said courts, the Supreme Court shall have full power and authority, from time to time, to make and prescribe regulations to the said district and circuit courts, as to the taxation and payment of costs in all suits and proceedings therein; and to make and prescribe a table of the various items of costs which shall be taxable and allowed in all suits, to the parties, their attorneys, solicitors, and proctors, to the clerk of the court, to the marshal of the district, and his deputies, and other officers serving process,

Supreme Court to have power to regulate the costs in the District or Circuit Court.

to witnesses, and to all other persons whose services are usually taxable in bills of costs. And the items so stated in the said table, and none others shall be taxable or allowed in bills of costs; and they shall be fixed as low as they reasonably can be, with a due regard to the nature of the duties and services which shall be performed by the various officers and persons aforesaid, and shall in no case exceed the costs and expenses now authorized, where the same are provided for by existing laws.

Interest shall be allowed and levied by the marshal under execution upon all judgments recovered in the Circuit or District courts of the U. S.

§ 8. *And be it further enacted*, That on all judgments in civil cases, hereafter recovered in the circuit or district courts of the United States, interest shall be allowed, and may be levied by the marshal, under process of execution issued thereon, in all cases where, by the law of the State in which such circuit or district court shall be held, interest may be levied under process of execution on judgments recovered in the courts of such State, to be calculated from the date of the judgment, and at such rate per annum, as is allowed by law, on judgments recovered in the courts of such State. *Approved, August 23d, 1842.*

Act of 1837, c. 403, vol. 4, p. 2549.

CHAP. 114.—An act making an appropriation to supply a deficiency in the navy pension fund.

\$84,051, appropriated to supply the deficiency in the navy pension fund.

§ 1. *Be it enacted, &c.*, That the sum of eighty-four thousand and nine hundred and fifty-one dollars be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to supply any deficiency which may exist in the navy pension fund, for the payment of the semi-annual navy pension which will be due on the first day of July, eighteen hundred and forty two.

Act of March 3, 1837, repealed.

§ 2. *And be it further enacted*, That the act entitled "An act to provide for the more equitable administration of the navy pension fund," approved March third, eighteen hundred and thirty-seven, be, and the same is hereby, repealed, from and after the first day of July, eighteen hundred and forty-two. And all pensions to officers and seamen in the naval service shall be regulated according to the pay of the navy as it existed on the first day of January, one thousand eight hundred and thirty-five.

Pensions to be regulated according to the pay of the navy on the 1st of January, 1835.

Act of April 6, 1834, partially repealed, and the time for unclaimed money to remain in the hands of agents, extended to 14 months.

§ 3. *And be it further enacted*, That so much of an act entitled "An act directing the transfer of money remaining unclaimed by certain pensioners, and authorizing the payment of the same at the Treasury of the United States," approved April sixth, eighteen hundred and thirty-eight, as requires pensions that may have remained unclaimed in the hands of pension agents for eight months to be returned to the treasury, be, and the same is hereby repealed, and that the time within which such pensions shall be returned to the Treasury, be, and the same is hereby, extended to fourteen months; subject to all the other restrictions and provisions contained in the said act.

Act of 1838, c. 66, ante p. 2655.

Approved, August 23d, 1842.

CHAP. 115.—An act for the relief of certain settlers in the Territory of Wisconsin.

§ 1. *Be it enacted, &c.*, That every settler in the district of lands subject to sale at Mineral Point, in the Territory of Wisconsin, who shall show, by proof which shall be satisfactory to the register and receiver of the land office at Muscoday, that he, by cultivation and possession, as required by the pre-emption act of the nineteenth of June, eighteen hundred and thirty-four, was entitled to a right of pre-emption; and that he, the said settler, was refused the privileges granted by said act, in consequence of the mineral character of the tract of land applied for by him, shall be permitted to enter, at the rate of one dollar and twenty-five cents an acre, one complete quarter section of land, of any lands in said land district which have not yet been offered at public sale: *Provided*, That no tract shall be entered, by any settler claiming under this act, which contains mines or discoveries of lead ore, or on which there may be an improvement, or on which any person may have a residence, or which may have been reserved from sale: *And provided further*, That the claimant under this act, and his witnesses, shall make oath, before a person duly qualified to administer oaths, to all the facts stated by them.

That settlers at Mineral Point who have been refused entry under the pre-emption act of June 19, 1834, on account of the mineral character of the lands, allowed to enter one quarter section elsewhere.

Provide: that it shall not contain mines, &c., or be improved or settled on by another person.

Provide: that the claimant shall make oath, to the facts stated.

§ 2. *And be it further enacted*, That the provisions of this act be carried into effect, in conformity with the instructions which may be given by the Secretary of the Treasury, to the register and receiver of the land office at Muscoday.

Instructions of Sec. of Treasury to register and receiver at Muscoday to be complied with.

Approved, August 23d, 1842.

CHAP. 116.—An act to amend the acts of July, eighteen hundred and thirty-six, and eighteen hundred and thirty-eight, allowing pensions to certain widows.

Act of 1836, c. 362, vol. 4, p. 2516.
Act of 1838, c. 190, ante p. 2736.

§ 1. *Be it enacted, &c.* That the marriage of the widow, after the death of her husband, for whose services she claims a pension under the act of the seventh of July, eighteen hundred and thirty-eight, shall be no bar to the claim of such widow to the benefit of that act, she being a widow at the time she makes application for a pension.

Marriage of a widow after the death of her husband to be no bar to her pension if a widow at the time of applying.

Approved, August 23d, 1842.

CHAP. 219. An act to authorize the selection of school lands in lieu of those granted to the half breeds of the Sac and Fox Indians.

§ 1. *Be it enacted, &c.* That the County commissioners of the county of Lee, in the Territory of Iowa, be and they are hereby authorized to select, of any of the public lands of the United States subject to private entry within the Iowa Territory, one section for each entire township of land in the "half-breed tract," in said county, and a proportional quantity for each fractional township in said tract, under such rules and regulations as shall be prescribed by the Secretary of the Treasury; which land when selected, shall be subject to the same rules and regulations

County commissioners of Lee county authorized to make the selection.

Lands selected subject to the same rules as 16th section.

respecting school lands, as the sixteenth sections in all the townships of the public lands are subject. *Approved, August 23d, 1842.*

CHAP. 227. An act legalizing and making appropriations for such necessary objects as have been usually included in the general appropriation bills without authority of law, and to fix and provide for certain incidental expenses of the Departments and offices of the Government and for other purposes.

Employment or appointment of officers and persons hereinafter mentioned, authorized.

§ 1. *Be it enacted, &c.,* That it shall be lawful for the respective heads of the Departments of the General Government to employ or appoint the officers and persons hereinafter mentioned in addition to those already provided by law, in the offices, bureaus, and places connected with their several Departments, and at the following annual salaries, that is to say ;

State Department.
Superintendent & watchmen.

1. IN THE DEPARTMENT OF STATE.

One superintendent of the northeast Executive building, at two hundred and fifty dollars, and three watchmen, at three hundred and sixty-five dollars each.

Treasury Department.
Offices of First Comptroller.

2. IN THE TREASURY DEPARTMENT.

In the First Comptroller's office, one assistant messenger, at three hundred and fifty dollars.

First Auditor. In the First Auditor's office, one additional clerk, at one thousand dollars.

Second Auditor. In the Second Auditor's office, one additional clerk, at one thousand dollars, until the second of April, eighteen hundred and forty-three.

Third Auditor. In the Third Auditor's office, three additional clerks, two at one thousand one hundred and fifty dollars each, and one at one thousand dollars.

Fourth Auditor. In the Fourth Auditor's office, one clerk at twelve hundred dollars.

Fifth Auditor. In the Fifth Auditor's office, two clerks, under the act of seventh July, eighteen hundred and thirty-eight, at one thousand dollars each.

Treasurer. The compensation of the clerk authorized by the act of May, twenty-six, eighteen hundred and twenty-four, in the Treasurer's office is hereby increased to one thousand dollars ; and the compensation of the clerk in the same office authorized by the act of July two, eighteen hundred and thirty-six, is hereby increased to one thousand two hundred dollars.

Register and In the office of the Register of the Treasury, one loan clerk, to take effect from fifteenth April, eighteen hundred and forty-two, at one thousand four hundred dollars.

Solicitor. In the office of the Solicitor of the Treasury, three additional clerks, at one thousand one hundred and fifty dollars each, and one law clerk, at fifteen hundred dollars.

Superintendent and watchmen.

One superintendent of the southeast executive building, at five

hundred dollars, and eight watchmen, at three hundred and sixty-five dollars each.

3. IN THE WAR DEPARTMENT.

In the office of the Commanding General, one messenger, at five hundred dollars. War Department.
Office of Commanding General.

In the office of the Adjutant General, one messenger at five hundred dollars. Adjutant General.

In the office of the Commissary General of Subsistence, one additional clerk, at one thousand dollars, one messenger, five hundred dollars. Commissary General of Subsistence.

In the office of the commissioner of Pensions, one messenger, at seven hundred dollars, until the first day of January next after which there shall be two messengers only in said office, at a compensation of five hundred dollars each. Commissioner of Pensions.

In the office of the Chief Engineer, one messenger at five hundred dollars. Chief Engineer.

In the office of the Surgeon General, one clerk, at one thousand one hundred and fifty dollars, and one messenger at five hundred dollars. Surgeon General.

In the office of the Colonel of Ordnance, one messenger at five hundred dollars. Colonel of Ordnance, and

In the bureau of Topographical Engineers, two clerks, each one thousand, one at one thousand four hundred, and one messenger at five hundred dollars. Topographical Engineers.

One superintendent of the northwest Executive building, at two hundred and fifty dollars, and four watchmen, at three hundred and sixty-five dollars each. Superintendent and watchmen.

4. IN THE NAVY DEPARTMENT.

In the Navy Commissioners office, two additional clerks, at one thousand four hundred dollars each. Navy Department.
Navy Commissioner's office.

Two additional clerks, at one thousand two hundred dollars each.

One superintendent of the southwest Executive building at two hundred and fifty dollars, and three watchmen, at three hundred and sixty-five dollars each. Superintendent and watchmen.

5. IN THE OFFICE OF THE SERGEANT-AT-ARMS IN THE HOUSE OF REPRESENTATIVES.

One messenger at the daily compensation received by the other messengers of the House of Representatives, and in lieu of one of them. Office of Sergeant-at-arms, House of Representatives.

6. IN THE OFFICE OF ATTORNEY GENERAL.

Attorney General's Office.

One messenger, five hundred dollars.

§ 2. *And be it further enacted*, That in the Supreme Court of the United States one reporter shall be appointed by the court, with the salary of twelve hundred and fifty dollars: *Provided*, The he deliver to the Secretary of State, for distribution, one hundred and fifty copies of each volume of reports that he shall Reporter to Supreme Court to be appointed, &c.
Provide: he deliver to the Secretary of State 150 copies of the reports.

hereafter prepare and publish, immediately after the publication thereof, which publication shall be made annually, within four months after the adjournment of the court at which the decisions are made.

Salaries of assistant librarian of Congress, and messenger.
 § 3. *And be it further enacted,* That the assistant librarian of the library of Congress shall receive eleven hundred and fifty dollars, and the messenger seven hundred dollars, per annum, to take effect from the first day of January, eighteen hundred and forty-two, in lieu of their present compensation.

A clerk's salary in office of Secretary Navy increased.
 § 4. *And be it further enacted,* That the clerk in the office of the Secretary of the Navy, whose salary was fixed at eight hundred dollars by the act of the twentieth of April, eighteen hundred and eighteen, shall receive, in addition thereto, two hundred dollars.

Additional clerk in office of Secretary Treasury.
 § 5. *And be it further enacted,* That the Secretary of the Treasury be, and he is hereby, authorized to employ an additional clerk, as assistant in his office, at a salary of eighteen hundred dollars per annum; and the superintendent of Indian Affairs at St. Louis be, and he hereby is, authorized to employ one clerk, at a compensation of twelve hundred dollars, in lieu of the two clerks authorized by the act of May ninth, eighteen hundred and thirty-six; and so much of said last mentioned act as authorizes the employment of two clerks is hereby repealed.

Foregoing offices, &c., authorized until 1st July, 1844 except those otherwise limited by this act.
 § 6. *And be it further enacted,* That the several offices, and employments hereinbefore mentioned are hereby made and declared to be lawful, to all intents and purposes whatever; and the respective heads of Departments, under whom the same are held and exercised, are hereby authorized and empowered to fill the same, and to continue the exercise and discharge thereof, at the salaries aforesaid, until the first day of July, eighteen hundred and forty-four, except such as are otherwise limited in this act: *Provided,* That in all cases where any of the aforementioned officers, or other persons herein authorized to be employed, have already been employed, and are now in the discharge of their respective duties or have been so since the first day of January last, under the authority of former appropriation bills, at a different rate of compensation than is hereby authorized and affixed to their respective places, they shall be entitled to receive the same rate of compensation heretofore allowed, and at which they have been retained in employment, from the first day of January last to the time of the passage of this act.

\$50,000 appropriated for the objects hereinbefore specified.
 § 7. *And be it further enacted,* That the sum of fifty thousand dollars, or so much thereof as may be found necessary, be, and the same is hereby, appropriated, for the year eighteen hundred and forty-two, out of any unappropriated moneys in the Treasury, to the objects hereinbefore specified.

Salaries of dragoman at Constantinople, and consul at London, limited.
 § 8. *And be it further enacted,* That it shall not be lawful for the President of the United States to allow a dragoman at Constantinople, a salary of more than two thousand five hundred

dollars; or a consul at London, a salary of more than two thousand dollars.

§ 9. *And be it further enacted*, That the President of the United States shall not allow to any minister resident a greater sum than at the rate of six thousand dollars per annum, as a compensation for all his personal services and expenses: *Provided*, That it shall be lawful for the President to allow to such minister resident, on going from the United States to any foreign Country, an outfit, which shall in no case exceed one year's full salary of such minister resident.

Salaries of ministers resident limited.

Proviso: an outfit allowed.

§ 10. *And be it further enacted*, That the office of Architect of the Public Buildings be, and the same is hereby, discontinued and abolished.

Office of Architect abolished.

§ 11. *And be it further enacted*, That it shall be the duty of the Secretaries of State, of the Treasury, War, and Navy, of the Commissioners, of the Navy, of the Postmaster General, of the Secretary of the Senate, and of the Clerk of the House of Representatives, to report to Congress, at the beginning of each year the names of the clerks and other persons that have been employed, respectively, during the preceding year, or any part thereof, in their respective departments and offices, together with the time that each clerk or other person was actually employed, and the sums paid to each; and, also, whether they have been usefully employed; whether the services of any of them can be dispensed with without detriment to the public service, and whether the removal of any individuals, and the appointment of others in their stead, is required for the better despatch of business; and no greater allowance shall be made to any such clerk, or other person, than is, or may be authorized by law, except to watchmen and messengers, for any labor or services required of them beyond the particular duties of their respective stations, rendered at such times as does not interfere with the performance of their regular duties.

Report of clerks and other persons employed, to be made annually to Congress.

§ 12. *And be it further enacted*, That no allowance or compensation shall be made to any clerk or other officer, by reason of the discharge of duties which belong to any other clerk or officer in the same or any other department; and no allowance or compensation shall be made for any extra services whatever, which any clerk or other officer may be required to perform.

No allowance to be made for extra services.

§ 13. *And be it further enacted*, That it shall be the duty of each chief or principal clerk in the respective departments, bureaus, and other offices, to supervise, under the direction of his immediately superior officer, the duties of the other clerks therein, and to see that their duties are faithfully executed, and that such duties are distributed with equality and uniformity, according to the nature of the case. And such distribution shall be revised, from time to time, by the said chief or principal clerk, for the purpose of correcting any tendency to undue accumulation or reduction of duties, whether arising from individual negligence or incapacity, or from increase or diminution of particular kinds of business; and such chief or principal clerks shall

Duty of chief clerks to supervise the duties of other clerks, &c.

report monthly to his superior officer any existing defect that he may be aware of in the arrangement or despatch of business; and such defect shall be amended by new arrangements of duties, dismissal of negligent or incompetent officers, or otherwise,

Manner in which estimates are to be communicated to Congress.

§ 14. *And be it further enacted*, That it shall be the duty of the several heads of Departments, in communicating estimates of expenditures and appropriations to Congress, and to any of the committees thereof, to specify, as nearly as may be convenient, the sources from which such estimates are derived, and the calculations upon which they are founded; and, in so doing, to discriminate between such estimates as are conjectural in their character, and such as are framed upon actual information and application from disbursing officers; and, in communicating the several estimates, reference shall be given to the laws and treaties by which they are authorized, the dates thereof, and the volume, page, and section, in which the necessary provisions are contained.

Employment of extra clerks.

§ 15. *And be it further enacted*, That no extra clerk shall be employed, in any department, bureau, or office, at the seat of Government, except during the session of Congress, or when indispensably necessary to enable such department, bureau, or office, to answer some call made by either House of Congress at one session, to be answered at another; and not then, except by order of the head of the department in which, or in some bureau or office of which, such extra clerk shall be employed; and no such extra clerk, for copying, shall receive more than three dollars per day, or for any other service more than four dollars per day, for the time actually and necessarily employed.

Employment of messengers, laborers, &c.

§ 16. *And be it further enacted*, That no messenger, assistant messenger, laborer, or other person, shall be employed in any department, bureau, or office at the seat of Government, or paid out of the contingent fund appropriated to such department, bureau, or office, unless such employment shall be authorized by law, or shall become necessary to carry into effect some object for which appropriations may be specifically made; and not exceeding one hundred dollars per annum shall be applied by each department (except the Department of State,) for the purchase of newspapers for such department, and all the bureaus and offices connected therewith; and such papers shall be preserved as files for said department.

Purchase of newspapers.

Stationery and job printing to be furnished and performed by contract.

§ 17. *And be it further enacted*, That all stationery, of every name and nature, for the use of the two Houses of Congress, and all stationery and job printing, of every name and nature, for the use of the several departments of Government, and for the bureaus and offices in those departments at Washington, including all stationery, blanks, wrapping paper, and twine, and mail bags, furnished the post offices and collectors' offices throughout the United States, shall hereafter be furnished and performed by contract, by the lowest bidder, as follows: the Secretary of the Senate, the clerk of the House of Representatives, the

head of each department, and such deputy postmasters in the Post Office establishment, and such collectors in the custom-house establishment, as the Postmaster General and the Secretary of the Treasury shall respectively designate for that purpose, shall respectively advertise, once a week, for at least four weeks in one or more of the principal papers published in the places where such articles are to be furnished, or such printing done, for sealed proposals for furnishing such articles, or the whole of any particular class of articles, or for doing such printing, or the whole of any specified job thereof, to be done at such place, specifying in such advertisement the amount, quantity, and description of each kind of articles to be furnished, and, as near as may be, the nature, amount, and kind of printing to be done; and all such proposals shall be kept sealed until the day specified in such advertisement for opening the same, when they shall be opened, by or under the direction of the officer making such advertisement, in the presence of at least two persons; and the person offering to furnish any class of such articles, or to perform any specified portion or job of said work, and giving satisfactory security for the performance thereof, under a forfeiture not exceeding twice the contract price in case of failure, shall receive a contract for doing the same; and in case the lowest bidder shall fail to enter into such contract and give such security within a reasonable time, to be fixed in such advertisement, then the contract shall be given to the next lowest bidder who shall enter into such contract and give such security. And in case of a failure to supply the articles or to perform the work, by the person entering into such contract, he and his sureties shall be liable for the forfeiture specified in such contract, as liquidated damages, to be sued for in the name of the United States, in any court having jurisdiction thereof.

§ 18. *And be it further enacted*, That all such bids or proposals shall be returned by the person authorized, as aforesaid, to receive the same, to the Executive Department from which such authority is derived, and shall be preserved in said Department, subject to such examination as Congress may at any time order and direct.

Bids and proposals to be preserved, &c.

§ 19. *And be it further enacted*, That no part of the contingent fund appropriated to any department, bureau, or office, shall be applied to the purchase of books, periodicals, pictures, or engravings, or other thing, except such books, periodicals, and maps, or other thing, as the head of such department shall deem necessary and proper to carry on the business of such department, and shall, by written order, direct to be procured for that purpose.

Relative to the purchase of books &c.

§ 20. *And be it further enacted*, That it shall be the duty of the Secretary of the Senate, at the commencement of every regular session of Congress, to report to the Senate, and of the Clerk of the House of Representatives to report to the House, and of the head of each Department to report to Congress, a detailed statement of the manner in which the contingent fund for

Detailed statement of the manner in which the contingent funds have been expended, to be reported to Congress.

each House, and of their respective Departments, and for the bureaus and offices therein, has been expended, giving the names of every person to whom any portion thereof has been paid; and if for any thing furnished, the quantity and price; and if for any services rendered the nature of such service, and the time employed, and the particular occasion or cause, in brief, that rendered such service necessary; and the amount of all former appropriations in each case on hand, either in the Treasury or in the hands of any disbursing officer or agent. And they shall require of the disbursing officers, acting under their direction or authority, the return of precise and analytical statements and receipts for all the moneys which may have been, from time to time during the next preceding year, expended by them; and the results of such returns and sums total shall be communicated annually to Congress, by the said officers, respectively.

Act 30th April 1818. *so far as requires the laws, &c., to be published in the States, and Territories, repealed; and, in lieu thereof, they shall be published in not less than two, nor more than four newspapers, in Washington.*

§ 21. *And be it further enacted,* That the act entitled "An act to provide for the publication of the laws of the United States, and for other purposes," approved April twentieth, eighteen hundred and eighteen, so far as the same authorizes or requires the laws, resolutions, treaties, and amendments of the Constitution of the United States, to be published in any paper or papers printed in the different States or Territories of the United States, is hereby repealed; and in lieu thereof, it shall be the duty of the Secretary of State to publish such laws, resolutions, treaties, and amendments, in not less than two nor more than four of the principal newspapers published in the city of Washington for country subscribers, giving the preference to such papers as have the greatest number of permanent subscribers and the most extensive circulation; for which the proprietor of each paper shall receive, as full compensation, at the rate of one dollar for each page of the laws, resolutions, treaties, and amendments, as published in pamphlet form. And if it shall appear, on the examination of any account that there has been any unreasonable delay or intentional omission in the publication of the laws aforesaid, the proper accounting officer of the Treasury is hereby authorized and required to deduct from such account such sum as shall be charged therein for the publication of any laws which shall have been so unreasonably delayed or intentionally omitted; and, in any such case, it shall be the duty of the Secretary of State to discontinue the publication of the laws in the newspaper belonging to such proprietors, and such newspaper shall in no event be again authorized, nor shall the proprietor thereof be again employed, to publish the laws of the United States. *Approved, August 26th, 1842.*

Compensation for publishing.

In case of delay, &c., in the publication, a deduction to be made, and the publication in the paper to be discontinued, &c.

CHAP. 228.—An act to establish a district court of the United States in the city of Wheeling, in the State of Virginia.

An annual term to be held on 25th August.

§ 1. *Be it enacted, &c.,* That one annual term of the district court of the United States, for the western district of Virginia, be holden in the city of Wheeling, on the twenty-fifth day of August. *Approved, August 26th, 1842.*

CHAP. 229.—An act to provide for publishing an account of the discoveries made by the Exploring Expedition, under the command of Lieutenant Wilkes, of the United States Navy.

§ 1. *Be it enacted, &c.*, That there shall be published, under the supervision and direction of the Joint Committee on the Library "an account of the discoveries made by the Exploring Expedition, under the command of Lieutenant Wilkes of the United States navy; which account shall be prepared with illustrations and published in a form similar to the voyage of the *Astrolabe*, lately published by the Government of France.

Account to be published under the direction of the Joint Library committee.

§ 2. *And be it further enacted*, That when such account shall have been written, and the illustrations for the same shall have been prepared, an advertisement shall be inserted in the papers publishing the laws of the United States, inviting proposals for printing one hundred copies of the same for the United States, to be delivered to the Librarian of Congress in a time, and at a price to be stipulated in such contract; and the contract shall be made with, and given to, the person offering and giving sufficient assurance to perform the work at the lowest price; and on such contract being made, the "account" shall be delivered to such contractor.

Proposals for 100 copies to be advertised for.

Contract to be given to the lowest bidder, &c.

§ 3. *And be it further enacted*, That until other provision be made by law for the safe-keeping and arrangement of such objects of natural history as may be in possession of the Government, the same shall be deposited and arranged in the upper room of the Patent Office, under the care of such person as may be appointed by the Joint Committee on the Library.

Objects of natural history to be deposited, in the Patent Office, &c.

Approved, August 26th, 1842.

CHAP. 230.—An act to confirm the sale of public lands in certain cases.

§ 1. *Be it enacted, &c.*, That in all cases when any entry has been made, under the pre-emption laws, of land which was public land, subject to sale at the date of such entry, and when patents for the same have not been issued from the General Land Office, because of the original tract claimed, or the float arising therefrom, exceeding the quantity specified in the law, or when the adjudication has been made by the receiver and the clerk of the register, acting in the stead of the register, or when the proof upon which the claim is founded is not in the form, nor full, as to all the facts required by law, but substantially so, such entries and sales are hereby confirmed, and patents shall be issued thereon, as in other cases: *Provided*, That the Secretary of the Treasury shall be satisfied that such entries have been in other respects fair and regular, and that the evidence sustains the claim; that they are not contested by other persons claiming the same, and that no fraud shall appear in them: *And provided, also*, That the act of fourth September, eighteen hundred and forty-one, entitled "An act to appropriate the proceeds of the sales of public lands, and to grant pre-emption rights," shall be so construed as not to confer on any one a right of pre-emption

Patents to be issued for tracts entered under the pre-emption laws, but withheld on account of the quantity exceeding that specified in the law, and where the proof is not full as to all the facts, &c.

Provide: entries in other respects to be fair and regular, &c.

Provide: act 4th, September, 1841, not to confer a right of pre-emption by reason of settlement on a tract heretofore sold.

by reason of a settlement made on a tract heretofore sold under a prior pre-emption law, or at private entry, when such prior pre-emption or entry has not been confirmed by the General Land Office, on account of any alleged defect therein, and when such tract has passed into the hands of an innocent and bona fide purchaser. *Approved, August 26th, 1842.*

CHAP. 231.—An act to regulate the pay of pursers and other officers of the navy.

All supplies for the navy to be made with the public money, under regulations to be prescribed by the Executive.

Pursers, etc., not to dispose of stores to officers or crew, on their own account.

No per centage to be charged on stores, other than hereinafter prescribed.

Executive to provide regulations for the purchase of stores, etc.

Pay of pursers.

Attached to vessels in commission.

At navy yards.

At naval stations.

In receiving ships.

At other places, & on leave.

Yearly pay allowed by this act to be all their compensation and allowances, except &c.

§ 1. *Be it enacted, &c.,* That all purchases of clothing, groceries, stores, and supplies of every description for the use of the navy, as well for vessels in commission as for yards and stations, shall be made with and out of the public moneys appropriated for the support of the navy, under such directions and regulations as may be made by the Executive for that purpose; and it shall not be lawful for pursers, or other officers or persons holding commission or employment in the naval service, to procure stores or any other articles or supplies for, and dispose thereof to, the officers or to the crew, during the period of their enlistment, on or for their own account or benefit; nor shall any profit or per centage upon stores or supplies be charged to, or received from, persons in the naval service, other than those which are hereinafter prescribed.

§ 2. *And be it further enacted,* That it shall be the duty of the Executive to provide such rules and regulations for the purchase, preservation, and disposition, of all articles, stores, and supplies, for persons in the navy, as may be necessary for the safe and economical administration of that branch of the public service.

§ 3. *And be it further enacted,* That in lieu of the pay, rations, allowances, and other emoluments authorized by the existing laws and regulations, the annual pay of pursers shall be as follows, viz: when attached to vessels in commission for sea service, they shall receive, for ships of the line, three thousand five hundred dollars; for frigates or razes, three thousand dollars; for sloops of war and steamers of first class, two thousand dollars; for brigs and schooners, and steamers, less than first class, fifteen hundred dollars; on duty at navy yards at Boston, New York, Norfolk, and Pensacola, two thousand five hundred dollars; at Portsmouth, Philadelphia, and Washington, two thousand dollars; at naval stations within the United States, fifteen hundred dollars; and in receiving ships at Boston, New York, and Norfolk, two thousand five hundred dollars; and at other places, fifteen hundred dollars; on leave or waiting orders, the same pay as surgeons. And it is hereby expressly declared that the yearly pay provided in this act is all the pay, compensation, and allowance, that shall be received, under any circumstances, by pursers, except one ration each per day, when attached to vessels for sea service, and except, also, for travelling expenses, when under orders, for which ten cents per mile shall be allowed.

§ 4. *And be it further enacted*, That nothing in this act contained shall be construed to affect the bonds which have heretofore been given by pursers in the navy, but the same shall remain in full force and effect, as if this law had not been passed; and the Secretary of the navy is hereby authorized and required to demand and receive from them, or any of them, new bonds, with sufficient sureties, in all cases in which he may consider the same necessary and expedient; and in case any purser shall neglect or refuse to give such new bond, it shall be the duty of the Executive to dismiss him forthwith from the service.

Bonds heretofore given not affected by this act.

Secretary of the Navy may demand new bonds.

Pursers neglecting or refusing to give the same to be dismissed.

§ 5. *And be it further enacted*, That the rules and regulations which shall be made in conformity with the provisions of this act shall be laid before Congress at their next session.

Rules, &c. to be laid before Congress.

§ 6. *And be it further enacted*, That it shall not be lawful for a purser in the navy to advance or loan any sum or sums of money, public or private, or any article or commodity whatever, or any credit, to any officer in the naval service, under any pretence whatever.

Advances or loans of money, &c. unlawful.

§ 7. *And be it further enacted*, That the provisions of this act shall go into effect, within the United States, from the date of its passage; and, in vessels abroad, at the beginning of the quarter after its official receipt.

Act to go into effect, when.

§ 8. *And be it further enacted*, That pursers attached to, and doing duty in, navy yards, at Boston, New York; and Norfolk, and sea-going vessels of a larger class than sloops of war, shall be authorized to appoint a clerk or assistant, to be approved by the commanding officer of such yard or vessel; and the yearly compensation of said clerk shall be as follows, viz: in a frigate or navy yard at Boston, New York, and Norfolk, five hundred dollars; in a ship of the line, seven hundred dollars. Said assistant or clerk shall have the privileges which are allowed to the clerk of the commanding officer; and each purser and clerk, while attached to vessels in commission, shall receive one ration per day.

Pursers at certain stations, &c., allowed clerk or assistant.

Clerk's compensation.

His privileges. Pursers and clerks allowed one ration when.

§ 9. *And be it further enacted*, That all stores of pursers on board ships in commission shall be taken by the Government at a fair valuation, under the direction of the Secretary of the Navy.

Pursers' stores on board ships in commission to be taken by Government.

§ 10. *And be it further enacted*, That all acts or parts of acts which may be contrary to, or inconsistent with, the provisions of this act, shall be, and are hereby, repealed.

Acts inconsistent with this act, repealed.

§ 11. *And be it further enacted*, That from and after the passage of this act, the annual pay of the forward warrant officers of the navy of the United States shall be as follows; for boatswains, gunners, carpenters, and sailmakers, when on duty on board ships of the line, and in the three navy yards at Boston, New York, and Norfolk, eight hundred dollars; on other duty, seven hundred dollars; when on leave of absence or awaiting orders, the said officers shall receive five hundred dollars for the first ten years, and after, six hundred dollars.

Pay of boatswains, gunners, carpenters, and sailmakers.

§ 12. *And be it further enacted*, That whenever an officer

Officers performing the duty of a higher grade, by order, to receive the pay, and not otherwise.

shall perform the duty of a higher grade, by order of the Secretary of the Navy, or the commander of a fleet or squadron, or ship acting singly on foreign service, such officer shall be entitled to receive the pay of such higher grade during the time he performs the duty in that grade and no longer, and no allowance shall be made for performing such service hereafter, unless so ordered.

Approved, August 26th, 1842.

CHAP. 232.—An act to define and establish the fiscal year of the Treasury of the United States.

On and after 1st July, 1843, fiscal year to commence on 1st July.

Report and estimates to be made accordingly.

Act of 1789, c. 13, vol. 1. p. 44.

Act of 1800 c. 56, vol. 1. p. 790.

At next session report and estimates to be made to 30th June next, and separate estimates to 30th June, 1844.

Title of appropriation acts.

Publication of receipts and expenditures to be according to the new fiscal year.

Said accounts to 30th June, to be separate.

Statements of commerce and navigation to be according to the new fiscal year.

Said statements to 30th June, to be separate.

§ 1. *Be it enacted, &c.*, That on and after the first day of July, in the year of our Lord eighteen hundred and forty-three, the fiscal year of the Treasury of the United States, in all matters of accounts, receipts, expenditures, estimates, and appropriations, shall commence on the first day of July in each year; and the report and estimates required to be prepared and laid before Congress at the commencement of each session by the Secretary of the Treasury in obedience to the acts of Congress of the second of September, seventeen hundred and eighty-nine, and of May tenth, eighteen hundred, shall be a report and estimates for each fiscal year commencing as aforesaid and terminating on the thirtieth day of June in the succeeding calendar year.

§ 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, to submit to Congress at the commencement of the next session, his annual report upon the state of the finances and estimates of appropriations required for the support of the Government for the half calendar year ending on the thirtieth day of June then next; and separate and distinct estimates for the fiscal year ending on the thirtieth day of June, eighteen hundred and forty-four; and estimates of receipts for said periods respectively; and the style and title of all acts making appropriations for the support of Government, shall be as follows, to wit: "An act making appropriations (here insert the object) for the year ending June thirtieth (here insert the calendar year.)"

§ 3. *And be it further enacted*, That the accounts of receipts and expenditures, required by law to be published annually, shall on and after the first day of July, eighteen hundred and forty-three, be prepared and published for the fiscal year as hereby established; and the said accounts for the half calendar year ending June thirtieth, eighteen hundred and forty-three, shall be prepared and published as required by law, separate and distinct; and all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

§ 4. *And be it further enacted*, That the annual statements of the commerce and navigation of the United States, required by law to be submitted to Congress on the first Monday of December annually, shall be prepared and published for each fiscal year as hereby established; and the said statements for the last quarter of the present calendar year, and the two first quarters of

the year eighteen hundred and forty-three, ending on the thirtieth of June, eighteen hundred and forty-three, shall be prepared and published, agreeably to the provisions of law, separate and distinct.

Approved, August 26th, 1842.

CHAP. 253.—An act to provide an insane hospital for the District of Columbia.

§ 1. *Be it enacted, &c.*, That the Commissioner of the Public Buildings be, and he is hereby authorized and required, under the direction of the President of the United States, and upon a plan to be by him approved, to cause such alterations to be made in the old jail as will adapt it for the reception and accommodation of the insane of the District of Columbia, and of such sick, disabled, and infirm seamen, soldiers and others, as may, by competent authority, to be hereafter prescribed, be deemed proper to be received therein, which building, with one half of the ground occupied by the old and new jails is hereby assigned for those purposes.

The old jail to be fitted up for the insane, &c.

§ 2. *And be it further enacted*, That on the completion of the said building, the President be authorized to appoint three respectable persons, residents of the city of Washington, to be a board of inspectors of the said institution, who shall hold their offices two years from the date of their appointment; and whose duty it shall be to have a general supervision of the concerns of the said hospital; to appoint the necessary subordinate officers thereof; to prescribe rules for the admission and due regulation of patients therein, and to make an annual report to Congress of their proceedings, and of the condition of the said institution.

Board of inspectors to be appointed—their duties.

§ 6. *And be it further enacted*, That there be, and there is, hereby, appropriated, the sum of ten thousand dollars for the alteration of the said building and improvement of the grounds, to be paid out of any money in the Treasury not otherwise appropriated.

\$10,000 appropriated.

Approved, August 29th, 1842.

CHAP. 280. An act to provide for the publication of a new edition of the laws and regulations of the Post Office Department, and a perfect list of the post-offices in the United States.

§ 1. *Be it enacted, &c.*, That the Postmaster General be, and he is hereby, authorized and required to cause to be collated and printed in pamphlet form, suitably for distribution, a complete edition, of not less than eighteen thousand copies, of the laws relating to the Post Office Department; together with the regulations established by said Department for the better conduct of its business; and also a new and complete list of all the post-offices in the United States; showing their respective distances from Washington, and from the capitols of the States in which the several offices are situated.

A complete edition, of not less than 18000 copies, to be printed.

§ 2. *And be it further enacted*, That for the purpose of carrying into effect the provisions of this act, the sum of nine thou-

\$9,100 appropriated.

and one hundred dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Approved, August 29th, 1842.

Act of 1823, c. 194, vol. 3, p. 1923.

Part of the "Western Land District," and the "Platte river country," to constitute the Platte Land District.

Register and Receiver to be appointed—their residence.

Their security, compensation, emoluments, duty, and authority.

Part of the southwestern and Fayette districts annexed to the Western or Lexington District.

Location of the office.

Plats of surveys to be deposited in the proper offices.

Reasonable expenses to be paid.

Act to take effect at the expiration of six months.

CHAP. 281. An act for creating a new land district in the State of Missouri, and for changing the boundaries of the southwestern and western land districts in said State.

§ 1. *Be it enacted, &c.,* That all that portion of the "western land district," created by an act of Congress, entitled "An act to establish an additional land office in the State of Missouri," approved third of March eighteen hundred and twenty-three which is situated north of the Missouri river, together with the late northwest addition to the State of Missouri, commonly known as the "Platte river country," shall constitute a separate land district, to be called the Platte district.

§ 2. *And be it further enacted,* That there shall be a register and a receiver appointed for said land district, who shall reside and superintend the sales of the public lands at such place as the President shall designate. They shall give security in the same manner and in the same sums, and their compensation, emoluments, duty, and authority, shall, in every respect, be the same in relation to the lands which may be disposed of at said office, as are or may be provided by law relative to the registers and receivers of public money in the several offices established for the sale of the public lands.

§ 3. *And be it further enacted,* That all that part of the southwestern district of Missouri which is situated north of the line between townships thirty-four and thirty-five, and that portion of the Fayette land district lying west of the line dividing ranges twenty and twenty-one west, south of the Missouri river, is hereby annexed to, and shall make a part of the western or Lexington district of Missouri, the office for which district shall be located at such place as the President shall designate.

§ 4. *And be it further enacted,* That it shall be the duty of the Secretary of the Treasury, as soon as the same can be done, to cause the plats of the surveys of the new district hereby created, and of the portion annexed to the western district, to be deposited in the proper offices and he is hereby authorized to allow and pay, out of the proceeds of the sales of the public lands, the reasonable expenses which may be incurred in carrying this act into effect.

§ 5. *And be it further enacted,* That this act shall take effect and be in force from and after the expiration of six calendar months from the date of the passage thereof.

Approved, August 29th, 1842.

CHAP. 282. An act to provide further remedial justice in the courts of the United States.

§ 1. *Be it enacted, &c.,* That either of the justices of the Supreme Court of the United States, or a judge of any district

court of the United States, in which a prisoner is confined, in addition to the authority already conferred by law shall have power to grant writs of habeas corpus in all cases of any prisoner or prisoners in jail or confinement, where he, she, or they, being subjects or citizens of a foreign State, and domiciled therein, shall be committed or confined, or in custody, under or by any authority or law, or process founded thereon, of the United States, or of any one of them, for or on account of any act done or omitted under any alleged right, title authority, privilege, protection, or exemption, set up or claimed under the commission, or order, or sanction, of any foreign State or Sovereignty, the validity and effect whereof depend upon the law of nations, or under color thereof. And upon the return of the said writ, and due proof of the service of notice of the said proceeding to the Attorney General or other officer prosecuting the pleas of the State, under whose authority the petitioner has been arrested, committed or is held in custody, to be prescribed by the said justice or judge at the time of granting said writ, the said justice or judge shall proceed to hear the said cause; and if, upon hearing the same, it shall appear that the prisoner or prisoners is or are entitled to be discharged from such confinement, commitment, custody or arrest, for or by reason of such alleged right, title, authority, privileges, protection or exemption, so set up and claimed, and the law of nations applicable thereto, and that the same exists in fact, and has been duly proved to the said justice or judge, then it shall be the duty of the said justice or judge forthwith to discharge such prisoner or prisoners accordingly. And if it shall appear to the said justice or judge that such judgment of discharge ought not to be rendered, then the said prisoner or prisoners shall be forthwith remanded: *Provided, always,* That from any decision of such justice or judge an appeal may be taken to the circuit court of the United States for the district in which the said cause is heard; and from the judgment of the said circuit court to the supreme court of the United States, on such terms and under such regulations and orders as well for the custody and appearance of the prisoner or prisoners as for sending up to the appellate tribunal a transcript of the petition, writ of habeas corpus returned thereto, and other proceedings, as the judge hearing the said cause may prescribe; and pending such proceedings or appeal, and until final judgment be rendered therein, and after final judgment of discharge in the same, any proceeding against said prisoner or prisoners, in any State court, or by or under the authority of any State, for any matter or thing so heard and determined, or in process of being heard and determined, under and by virtue of such writ of habeas corpus, shall be deemed null and void. *Approved, August 29th, 1842.*

Justices of the Supreme Court and judges of district courts empowered to grant writs of habeas corpus when subjects of foreign states, domiciled therein, are in custody of the U. S. or any of them for acts done under sanction, &c. of a foreign state.

Upon return of said writ, &c. the justice or judge shall proceed to hear the cause.

If the prisoner is entitled to be discharged for the right, &c. claimed the justice or judge shall forthwith discharge him;

And if not, he shall be forthwith remanded.

Proviso: appeal from decision of the justice or judge to the circuit court.

And from the circuit court to the supreme court.

Until final judgment and after discharge, proceedings in State courts null and void.

Act of 1831, c. 54, vol. 4, p. 2425. CHAP. 284. An act to provide for the settlement of certain accounts for the support of Government in the Territory of Wisconsin and for other purposes.

Accounts of the Legislative Assembly to be settled.

§ 1. *Be it enacted, &c.* That the proper accounting officers of the Treasury department be directed to audit and settle the accounts for the expenses of the Legislative Assembly of the Territory of Wisconsin, including the printing of the laws and other incidental expenses which have not heretofore been closed and settled at the Treasury Department; but no allowance shall be made for extra compensation to any member of the Legislative Assembly of said Territory for extra services, except to the presiding officers of the two Houses of said Assembly, nor for extra compensation to the Secretary of said Territory, nor to the Clerk of either House of said Legislative Assembly for the performance of duties required by law, nor for any other purpose not authorized by the eleventh section of the act of Congress, approved April twenty, eighteen hundred and thirty-six, entitled "An act establishing the Territorial Government of Wisconsin;" and the incidental expenses therein authorized shall be construed to be the ordinary and necessary expenses of the sessions of said Legislative Assembly, and no other.

No extra compensation to any member except the presiding officer, &c.

Accounts of Territories to be adjusted at the Treasury.

No act, &c., of the Legislature, authority for an expenditure.

No payment to be made, unless approved by Congress.

No session to be held without an appropriation.

What officers allowed, and their pay.

Secretaries of Territories to prepare the acts for publication, &c.

Amount found due to be paid.

§ 2. *And be it further enacted,* That all accounts for disbursements in the Territories of the United States, of money appropriated by Congress for the support of Government therein, shall be settled and adjusted at the Treasury Department; and no act, resolution, or order of the Legislature of any Territory, directing the expenditure of the sum, shall be deemed a sufficient authority for such disbursement, but sufficient vouchers and proof for the same shall be required by said accounting officers. And no payment shall be made or allowed, unless the Secretary of the Treasury shall have estimated therefor, and the object been approved by Congress. No session of the Legislature of a Territory shall be held until the appropriation for its expenses shall have been made. In the adjustment of said accounts, no charge for the services of a greater number of officers, and attendants shall be allowed than for one secretary and assistant secretary, or clerk, one sergeant-at-arms, or doorkeeper, one messenger, and one foreman for each House of the Legislature, to neither of whom shall a greater compensation than three dollars per day be paid. And it shall be the duty of the Secretary of each Territory to prepare the acts passed by the Legislature for publication, and to furnish a copy thereof to the public printer of the Territory, within ten days after the passage of each act.

§ 3. *And be it further enacted,* That whatever sum of money shall be found due, upon such auditing and settlement, beyond the amount of former appropriations, whether the same have been expended or not, be paid out of any money in the Treasury not otherwise appropriated.

§ 4. *And be it further enacted,* That said accounting officers

of the Treasury be directed to audit and settle the accounts for expenses of the Legislative Assembly of the Territory of Florida, not heretofore audited and settled, in the same manner and upon the same principles herein prescribed for the settlement of the accounts of the Territory of Wisconsin; and whatever sum of money shall be found due, upon such auditing, be paid out of any money in the Treasury not otherwise appropriated.

Approved, August 29th, 1842.

CHAP. 315. An act supplementary to "An act to provide for the adjustment of titles to land in the town of Detroit, and Territory of Michigan and for other purposes," passed April twenty-one, eighteen hundred and six.

Act of 1806, c. 43, vol. 2, p. 1088.

§ 1. *Be it enacted, &c.*, That the mayor, recorder, and aldermen of the city of Detroit, in the State of Michigan, be, and they, or a quorum of them in council assembled, are hereby authorized to hear, examine, and finally adjust, all claims arising under the act to which this is supplementary, against the governor and judges of the late territory of Michigan, and receive all moneys, or other rights to property to which the said governor and judges were entitled, or became entitled under said act.

Mayor, recorder, and aldermen of Detroit, authorized to adjust claims under the act to which this is supplementary.

§ 2. *And be it further enacted*, That the said mayor, recorder, and aldermen, of the said city of Detroit be, and they are hereby, entitled to receive from any person or persons having the possession of the same, the journals, records, papers, and books of the governor and judges of the late Territory of Michigan, acting as a land board, under the act of April twenty-first, one thousand eight hundred and six, to which this is a supplement; and that all powers and rights vested by the said act in the said governor and judges, for the purposes therein mentioned are hereby transferred and vested in the mayor, recorder and aldermen, of the city of Detroit, in the State of Michigan. And the said mayor, recorder, and aldermen, are hereby authorized to institute proceedings at law or in equity, in any court of competent jurisdiction, in all cases where it may be necessary to carry into effect the purposes of this act.

Mayor, &c., authorized to receive journals, etc., of the board, acting under act 21 April 1806.

Powers, &c., vested in said board, transferred to the mayor, &c.

§ 3. *And be it further enacted*, That any land or other property, real or personal, remaining, except the court-house and jail erected under the act to which this is a supplement, after satisfying all just claims provided for in the first section of the act to which this is a supplement, is hereby vested in the said mayor, recorder, and aldermen, of the city of Detroit to be disposed of by them at their discretion to the best advantage; and they are hereby authorized to make deeds to purchasers thereof, or other sufficient conveyances; and the proceeds of the land or other property, effects or claims so disposed of, and of other rights and claims of the said governor and judges, shall, after the payment of all necessary expenses incurred in giving effect to said act and to this act, and in the adoption of such measures as they may deem necessary for preserving in proper form the records and other evidences of the proceedings of said governor and judges be applied by

Mayor, &c., authorized to institute legal proceedings.

All property, except the court house and jail, after satisfying all just claims, vested in the mayor, &c., to be disposed of, how.

Mayor, etc., to
take an oath, or
affirmation.

the said mayor, recorder and aldermen, to such object or objects of public improvement in said city, as the said mayor, recorder, and aldermen, may in council direct. And the said mayor, recorder and aldermen are hereby required to take an oath or affirmation for the faithful discharge of their duties under this act, and make a report to Congress, in writing, of their proceedings, on or before the first day of January, one thousand eight hundred and forty-four. *Approved, August 29th, 1842.*

CHAP. 317.—An act to authorize the States of Indiana and Illinois to select certain quantities of land in lieu of like quantities heretofore granted to the said States, for the construction of the Wabash and Erie and the Illinois and Michigan canals.

Lands to be selected under the authority of the Governor of Indiana, in lieu of others granted for the Wabash and Erie canal.

Act of 1827, c. 213, vol. 3, p. 2064.

§ 1. *Be it enacted, &c.,* That there be vested in the State of Indiana twenty-four thousand two hundred and nineteen acres, and fourteen hundredths of an acre of land to be selected under the authority of the Governor of said State, from any of the unsold public lands therein, not subject to the right of pre-emption, as an equivalent for certain lands covered by Indian reservations in the lands acquired by treaties with the Miami Indians, in the years eighteen hundred and thirty-seven and eighteen hundred and thirty-nine, respectively, and which, had said reservations not been permitted or allowed, would have belonged to said State in virtue of the act of the second of March, eighteen hundred and twenty-seven, entitled "An act to grant a certain quantity of land to the State of Indiana, for the purpose of aiding said State in opening a canal to connect the waters of the Wabash river with those of Lake Erie."

Governor of Illinois authorized to cause lands to be selected, in lieu of others granted for the Illinois and Michigan canal.

Act of 1827, c. 208, vol. 3, p. 2062.

§ 2. *And be it further enacted,* That the Governor of the State of Illinois is hereby authorized to cause to be selected, from any of the unsold public lands in that State, not subject to the right of preemption, the quantity of five thousand seven hundred and sixty acres, in lieu of sections numbered three and nine, in township thirty-two, north of range three east; sections thirteen and twenty-one, in township thirty-four, north of range six east; sections twenty-five and thirty-three, in township thirty-three, north of range eleven east; and sections thirteen, nineteen and twenty-one, in township thirty-three, north of range eight, east of the third principal meridian, heretofore selected by the said State under "An act to grant a quantity of land to the State of Illinois for the purpose of aiding in opening a canal to connect the waters of the Illinois river with those of Lake Michigan," but which had been sold and patented to individuals by the United States, before the location by the said State had been approved.

Selections to be reported to Secretary of the Treasury, and approved by the President.

§ 3. *And be it further enacted,* That the selections of lands made under this act shall be reported by the Governors of the States respectively, to the Secretary of the Treasury, and approved by the President of the United States.

Approved, August 29th, 1842.

CHAP. 318. An act in addition to an act to promote the progress of the useful arts, and to repeal all acts and parts of acts heretofore made for that purpose. Act of 1838. c. 357, vol. 4. p. 8504.

§ 1. *Be it enacted, &c.,* That the Treasurer of the United States be, and he hereby is, authorized to pay back, out of the patent fund, any sum or sums of money, to any person who shall have paid the same into the Treasury, or to any receiver or depository to the credit of the Treasurer, as for fees accruing at the Patent Office through mistake, and which are not provided to be paid by existing laws, certificate thereof being made to said Treasurer by the Commissioner of Patents. Treasurer authorized to pay back, out of the patent fund, certain money paid as fees.

§ 2. *And be it further enacted,* That the third section of the act of March, eighteen hundred and thirty-seven, which authorizes the renewing of patents lost prior to the fifteenth of December, eighteen hundred and thirty-six, is extended to patents granted prior to said fifteenth day of December, though they may have been lost subsequently: *Provided, however,* The same shall not have been recorded anew under the provisions of said act. Sec. 3, act March, 1837, extended to patents granted prior to 15 Decemb. 1836, though lost subsequently.
 proviso: not recorded anew under said act.

§ 3. *And be it further enacted,* That any citizen or citizens, or alien or aliens, having resided one year in the United States and taken the oath of his or their intention to become a citizen or citizens who by his, her, or their own industry, genius, efforts, and expense, may have invented or produced any new and original design for a manufacture, whether of metal or other material or materials, or any new and original design for the printing of woollen, silk, cotton, or other fabrics, or any new and original design for a bust, statue, or bas relief or composition in alto or basso relievo, or any new and original impression or ornament, or to be placed on any article of manufacture, the same being formed in marble or other material, or any new and useful pattern, or print, or picture, to be either worked into or worked on, or printed or painted or cast or otherwise fixed on, any article of manufacture, or any new and original shape or configuration of any article of manufacture not known or used by others before his, her, or their invention or production thereof, and prior to the time of his, her, or their application for a patent therefor, and who shall desire to obtain an exclusive property or right therein to make, use, and sell and vend the same, or copies of the same, to others, by them to be made, used, and sold, may make application in writing to the Commissioner of Patents expressing such desire, and the Commissioner, on due proceedings had, may grant a patent therefor, as in the case now of application for a patent: *Provided,* That the fee in such cases which by the now existing laws would be required of the particular applicant shall be one half the sum and that the duration of said patent shall be seven years and that all the regulations and provisions which now apply to the obtaining or protection of patents not inconsistent with the provisions of this act shall apply to applications under this section. Citizens, or aliens having resided one year in the U. S., and taken the oath to become citizens, may obtain a patent, how.
 proviso: fee one half the sum now required; duration of the patent seven years, and laws, &c., not inconsistent with this act applicable to applications under this section.

Oath may be
taken before U.
S. Ministers, &c.

§ 4. *And be it further enacted*, That the oath required for applicants for patents may be taken, when the applicant is not, for the time being, residing in the United States, before any minister, plenipotentiary, charge d'affaires, consul, or commercial agent holding commission under the Government of the United States, or before any notary public of the foreign country in which such applicant may be.

Penalty of not
less than \$100.
with costs, for
the infringement of
the rights of a
patentee. &c., by
marking.

§ 5. *And be it further enacted*, That if any person or persons shall paint or print, or mould, cast, carve, or engrave, or stamp, upon any thing made, used, or sold, by him, for the sole making or selling which he hath not or shall not have obtained letters patent, the name or any imitation of the name of any other person who hath or shall have obtained letters patent for the sole making and vending of such thing, without consent of such patentee, or his assigns or legal representatives; or if any person, upon any such thing not having been purchased, from the patentee, or some person who purchased it from or under such patentee, or not having the license or consent of such patentee, or his assigns or legal representatives, shall write, paint, print, mould, cast, carve, engrave, stamp, or otherwise make or affix the word "patent," or the words "letters patent," or the word "patentee," or any word or words of like kind, meaning, or import, with the view or intent of imitating or counterfeiting the stamp, mark, or other device of the patentee, or shall affix the same or any word, stamp, or device, of like import, on any unpatented article, for the purpose of deceiving the public, he, she, or they, so offending, shall be liable for such offence, to a penalty of not less than one hundred dollars, with costs, to be recovered by action in any of the circuit courts of the United States, or in any of the district courts of the United States, having the powers and jurisdiction of a circuit court; one half of which penalty, as recovered, shall be paid to the patent fund, and the other half to any person or persons who shall sue for the same.

How recovered,
&c.

Patentees, &c.,
required to mark
articles offered
for sale.

§ 6. *And be it further enacted*, That all patentees and assignees of patents hereafter granted, are hereby required to stamp, engrave, or cause to be stamped or engraved, on each article vended, or offered for sale, the date of the patent; and if any person or persons, patentees or assignees, shall neglect to do so, he, she, or they, shall be liable to the same penalty, to be recovered and disposed of in the manner specified in the foregoing fifth section of this act. *Approved, August 29th, 1842.*

Penalty for neg-
lect.

CHAP. 319. An act to provide for the reports of decisions of the Supreme Court of the United States.

Reporter ap-
pointed by Su-
preme Court to
receive \$1,300
per annum for
services and re-
ports.

§ 1. *Be it enacted, &c.*, That the reporter who shall, from time to time, be appointed by the Supreme Court, shall be entitled to receive from the Treasury of the United States, as an annual compensation for his services, and for the copies of the annual volumes of the reports he is hereinafter required to deliver

to the Secretary of State, the sum of thirteen hundred dollars : *Provided*, That the compensation shall not be paid unless the said reporter shall print and publish, or cause to be printed and published the decisions of the said court, made during the time he shall act as such reporter, within six months after the said decisions shall be made : *And provided also*, That he shall deliver to the Secretary of State, in lieu of the eighty copies of the annual reports which by former acts he was required to deliver, one hundred and fifty copies of the said reports, so printed and published, which said copies shall be distributed as follows, to wit : to the President of the United States, the justices of the Supreme Court of the United States, the judges of the district courts, the Attorney General of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster General, the First and Second Comptrollers of the Treasury, the Solicitor of the Treasury, the First, Second, Third, Fourth and Fifth Auditors of the Treasury, the Auditor of the General Post Office, the Treasurer of the United States, the Register of the Treasury, the Commissioner of the General Land Office, the Paymaster General, the Commissioner of Indian Affairs, the Commissioner of Pensions, the judges of the several territorial courts of the United States, the Governors of the Territories of the United States, the Secretary of the Senate for the use of the Senate, the Clerk of the House of Representatives for the use of the House of Representatives, and to the Commissioners of the Navy, each one copy ; to the Secretary of the Senate for the use of the standing committees of the Senate, ten copies ; and to the Clerk of the House of Representatives, for the use of the standing committees of the House, twelve copies ; and the residue of the said copies shall be deposited in the library of Congress, to become a part of the said library : *And provided also*, That the volumes of the decisions of the Supreme Court shall not be sold by the reporter to the public at large, for a greater price than five dollars for each volume.

Proviso : decisions of the court be printed in six months.

Further proviso : he deliver to the Secretary of State 150 copies in lieu of the 80 required by former acts.

Distribution.

Proviso : price of volumes sold, limited to \$5.

In case of death, &c., of those receiving the decisions, they shall be delivered to their successors.

§ 2. *And be it further enacted*, That in case of the death, resignation, or dismissal from office, of either of the aforesaid officers, the said copies of the decisions of the Supreme Court shall belong to, and be delivered up to their respective successors in said offices.

Approved, August 29th, 1842.

CHAP. 282.—An act to establish and regulate the navy ration.

§ 1. *Be it enacted, &c.*, That the navy ration shall consist of the following daily allowance of provisions for each person :

One pound of salted pork, with half a pint of peas or beans ; or one pound of salted beef, with half a pound of flour, and a quarter of a pound of raisins, dried apples, or other dried fruits ; or one pound of salt beef with half a pound of rice, two ounces of butter, and two ounces of cheese ; together with fourteen ounces of biscuit, one quarter of an ounce of tea, or ounce of coffee, or one ounce of cocoa ; two ounces of sugar, and one gill

Component parts of the ration.

of spirits ; and of a weekly allowance of half a pound of pickles or cranberries, half a pint of molasses, and half a pint of vinegar.

Fresh meat may be substituted for salted, and vegetables for other articles.

§ 2. *And be it further enacted*, That fresh meat may be substituted for salt beef or pork, and vegetables or sour crout for the other articles usually issued with the salted meats, allowing one and a quarter pounds of fresh meat for one pound of salted beef or pork, and regulating the quantity of vegetables or sour crout so as to equal the value of those articles for which they may be substituted.

Soft bread, flour, or rice may be substituted for biscuit ; wine for spirits, &c.

§ 3. *And be it further enacted*, That should it be necessary to vary the above described daily allowance, it shall be lawful to substitute one pound of soft bread, or one pound of flour or half a pound of rice, for fourteen ounces of biscuit ; half a pint of wine for a gill of spirits ; half a pound of rice for half a pint of beans or peas ; half a pint of beans or peas for half a pound of rice. When it may be deemed expedient by the President of the United States, Secretary of the Navy, commander of a fleet or squadron, or of a single ship when not acting under the authority of another officer on foreign service, the articles of butter, cheese, raisins, dried apples or other dried fruits, pickles and molasses, may be substituted for each other and for spirits : *Provided*, The article substituted shall not exceed in value the article for which it may be issued, according to the scale of prices which is or may be established for the same.

Articles allowed to be substituted for each other in certain cases.

Proviso: value the same.

§ 4. *And be further enacted*, That in cases of necessity, the daily allowance of provisions may be diminished or varied by the discretion of the senior officer present in command, but payment shall be made to the persons whose allowance shall be thus diminished, according to the scale of prices which is or may be established for the same: but a commander who shall thus make a diminution or variation shall report to his commanding officer or to the Navy Department, the necessity for the same, and give to the purser written orders specifying particularly the diminution or reduction which is to be made.

In case of necessity, daily allowance may be diminished.

Payment to be made for the diminution.

Commander to report the necessity &c.

§ 5. *And be it further enacted*, That no commissioned officer or midshipman, or any person under twenty-one years of age shall be allowed to draw the spirit part of the daily ration, and all other persons shall be permitted to relinquish that part of their ration, under such restrictions as the President of the United States may authorize: and to every person who, by this section is prohibited from drawing, or who may relinquish, the spirit part of his ration, there shall be paid in lieu thereof, the value of the same in money, according to the prices which are or may be established for the same.

Spirits not allowed to persons under twenty-one. Others may relinquish spirits.

Value to be paid in money.

§ 6. *And be it further enacted*, That the Provisions of this act shall go into effect in the United States, on the first day of the succeeding quarter after it becomes a law, and in vessels abroad, on the first day of the succeeding quarter, after its official receipt; and any acts and parts of acts which may be contrary to, or in-

Act to take effect when.

Acts inconsistent herewith repealed

consistent with, the provisions of this act, shall be and are hereby repealed.

Approved, August 29th, 1842.

CHAP. 283.—An act authorizing the Secretary of the Navy to contract for the purchase, for the United States, the right to use Babbit's anti-attribution metal.

§ 1. *Be it enacted, &c.,* That the Secretary of the Navy be, and he hereby is, authorized to contract for the purchase, from the proprietor of the patented interest therein, for the United States, of the right to use Babbit's anti-attribution metal in the construction of machinery and other work; subject to the ratification of Congress.

Authority to contract for the purchase thereof,

Approved, August 29th, 1842.

CHAP. 284. An act establishing a court at Charleston, in the Commonwealth of Virginia.

§ 1. *Be it enacted, &c.,* That hereafter terms of the district court for the western district of Virginia, be holden at Charleston in the county of Kenawha, commencing on the Wednesdays after the second Mondays of April and September of every year, in lieu of the sessions of said district court now directed to be held at Lewisburg, in the county of Greenbriar, which said last mentioned sessions of said court are hereby discontinued.

District Court to be held at Charleston, in lieu of Lewisburg.

Approved, August 29th, 1842.

CHAP. 285.—An act to provide revenue from imports and to change and modify existing laws imposing duties on imports, and for other purposes.

§ 1. *Be it enacted, &c.,* That from and after the passage of this act, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, and on such as may now be exempt from duty, there shall be levied, collected, and paid, the following duties that is to say:

The duties to be paid hereafter on the following articles.

First. On coarse wool unmanufactured, the value whereof, at the last port or place whence exported to the United States, shall be seven cents or under per pound, there shall be levied a duty of five per centum ad valorem; and on all other unmanufactured wool, there shall be levied a duty of three cents per pound, and thirty per centum ad valorem: *Provided*, That when wool of different qualities of the same kind or sort, is imported in the same bale, bag, or package, and the aggregate value of the contents of the bale, bag, or package, shall be appraised by the appraisers, at a rate exceeding seven cents per pound, it shall be charged with a duty in conformity to such appraisal: *Provided, further*, That when wool of different qualities, and different kinds or sorts, is imported in the same bale, bag, or package, the contents of the bale, bag, or package, shall be appraised at the value of the finest or most valuable kind or sort, and a duty charged thereon accordingly: *Provided further*, That if bales of different qualities are embraced in the same invoice, at the same price, the value of the whole shall be appraised according to the value of the bale of the best quality: *Provided further*, That if any

Wool unmanufactured,

wool be imported having in it dirt, or any material or impurities, other than those naturally belonging to the fleece, and thus be reduced in value to seven cents per pound or under, the appraisers shall appraise said wool at such price, as in their opinion, it would have cost had it not been so mixed with such dirt or impurities, and a duty shall be charged thereon in conformity to such appraisal: *Provided also*, That wool imported on the skin shall be estimated as to weight and value as other wool.

Manufactures of
wool.

Second. On all manufactures of wool, or of which wool shall be a component part, except carpetings, flannels, bockings, and baizes, blankets, worsted stuff goods, ready-made clothing, hosiery, mits, gloves, caps, and bindings, a duty of forty per centum.

carpetings.

Third. On Wilton carpets and carpeting, treble ingrain Saxony, and Aubussen carpets and carpeting, a duty of sixty-five cents per square yard; on Brussels and Turkey carpets and carpeting, fifty five cents per square yard; on all Venetian and ingrain carpets and carpetings, thirty cents per square yard; on all other kinds of carpets and carpeting, of wool, hemp, flax, or cotton, or parts of either, or other material not otherwise specified, a duty of thirty per centum ad valorem: *Provided*; That bed sides and other portions of carpets or carpetings shall pay the rate of duty herein imposed on carpets or carpetings of similar character.

Blankets.

Fourth. On woollen blankets, the actual value of which at the place whence imported shall not exceed seventy-five cents each, and of the dimensions not exceeding seventy-two by fifty-two inches each, nor less than forty-five by sixty inches each, a duty of fifteen per centum ad valorem; and on all other woollen blankets, a duty of twenty-five per centum ad valorem.

Manufactures of
combed wool, &c.

Fifth. On all manufactures, not otherwise specified, of combed wool or worsted, and manufactures of worsted and silk combined, a duty of thirty per centum ad valorem: on all hearth rugs, an ad valorem duty of forty per centum.

Yarn.

Sixth. On woollen and worsted yarn, a duty of thirty per centum ad valorem.

Gloves, caps,
bindings and ho-
siery.

Seventh. On woollen and worsted mits, gloves, caps, and bindings, and on woollen or worsted hosiery, that is to say, stockings, socks, drawers, shirts, and all other similar manufactures made on frames, a duty of thirty per centum ad valorem.

Flannels, bockings
&c.

Eighth. On flannels of whatever material composed, except cotton, a duty of fourteen cents per square yard on bockings and baizes, fourteen cents per square yard on coach laces, thirty-five per centum ad valorem; on Thibet, Angora, and all other goats' hair or mohair unmanufactured, one cent per pound; on camlets, blankets, coatings, and all other manufactures of goats' hair or mohair, twenty per centum ad valorem.

Clothing, &c.

Ninth. On ready made clothing of whatever materials composed, worn by men, women or children, except gloves, mits, stockings, socks, wove shirts and drawers, and all other similar manufactures made on frames, hats, bonnets, shoes, boots, and booties,

imported in a state ready to be used as clothing, by men, women or children, made up either by the tailor, manufacturer, or seamstress, an ad valorem duty of fifty per centum; on all articles worn by men, women or children, other than as above specified or excepted, of whatever materials composed, made up wholly or in part by hand, a duty of forty per centum ad valorem; on all thread laces and insertings, fifteen per centum ad valorem; on cotton laces, quillings and insertings usually known as trimming laces, and on bobbinet laces of cotton, twenty per centum ad valorem; on laces, galloons, tresses, tassels, knots, and stars of gold or silver, fine or half fine, fifteen per centum ad valorem; on all articles embroidered in gold or silver, fine or half fine, when finished, other than clothing, twenty per centum ad valorem; and on clothing, finished in whole or in part, embroidered in gold or silver, fifty per centum ad valorem.

Thread laces, &c.

Gold and silver laces, &c.

§ 2. *And be it further enacted*, That, from and after the passage of this act, there shall be levied, collected and paid, on the importation of the articles hereinafter mentioned, the following duties; that is to say:

First. On cotton unmanufactured, a duty of three cents per pound.

Cotton unmanufactured.

Second. On all manufactures of cotton, or of which cotton shall be a component part, not otherwise specified, a duty of thirty per centum ad valorem, excepting such cotton twist, yarn and thread, and such other articles as are herein provided for: *Provided*, That all manufactures of cotton or of which cotton shall be a component part, not dyed, colored, printed, or stained, not exceeding in value twenty cents per square yard, shall be valued at twenty cents per square yard; and if dyed, colored, printed, or stained, in whole or in part, not exceeding in value thirty cents the square yard, shall be valued at thirty cents per square yard, excepting velvets, cords, moleskins, fustians, buffalo cloths, or goods manufactured by napping or raising, cutting or shearing, not exceeding in value thirty-five cents the square yard, shall be valued at thirty-five cents per square yard, and duty be paid thereon accordingly.

Manufactures of cotton.

Third. All cotton twist, yarn and thread, unbleached and uncolored, the true value of which at the place whence imported shall be less than sixty cents per pound, shall be valued at sixty cents per pound, and shall be charged with a duty of twenty-five per centum ad valorem; all bleached or colored cotton twist, yarn and thread, the true value of which at the place whence imported shall be less than seventy-five cents per pound, shall be valued at seventy-five cents per pound, and pay a duty of twenty-five per centum ad valorem; all other cotton twist, yarn, and thread, or spools or otherwise, shall pay a duty of thirty per centum ad valorem.

Cotton twist, yarn, and thread.

§ 3. *And be it further enacted*, That from and after the passage of this act, there shall be levied, collected, and paid, on the importation of the articles hereinafter mentioned, the following duties; that is to say:

Manufactures of
silk.

First. On all manufactures of silk not otherwise specified, except bolting cloths, two dollars and fifty cents per pound of sixteen ounces; on silk bolting cloths, twenty per centum ad valorem: *Provided*, That if any silk manufacture shall be mixed with gold or silver, or other metal, it shall pay a duty of thirty per centum ad valorem.

Second. On sewing silk, silk twist, or twist composed of silk, and Mohair, a duty of two dollars per pound of sixteen ounces; on pongees and plain white silks for printing or coloring, one dollar and fifty cents per pound of sixteen ounces; on floss and other similar silks, purified from the gum, dyed and prepared for manufacture, a duty of twenty-five per centum ad valorem; on raw silk, comprehending all silks in the gum, whether in hanks, reeled, or otherwise, a duty of fifty cents per pound of sixteen ounces; on silk umbrellas, parasols, and sunshades, thirty per centum ad valorem; on silk or satin shoes and slippers, for women or men, thirty cents per pair; silk or satin laced boots or bootees, for women or men, seventy five cents a pair; silk or satin shoes or slippers, for children, fifteen cents per pair; silk or satin laced boots or bootees, for children twenty-five cents a pair; on men's silk hats, one dollar each; silk or satin hats or bonnets for women, two dollars each; on silk shirts and drawers, whether made up wholly or in part, forty per centum ad valorem; silk caps for women, and turbans, ornaments for head dress, aprons, collars, caps, cuffs, braids, curls, or frizettes, chemisettes, mantillas, pellerines, and all other articles of silk made up by hand in whole or in part, and not otherwise provided for, a duty of thirty per centum ad valorem.

Hemp, flax, &c.
manufactured and
unmanufactured.

Third. On unmanufactured hemp, forty dollars per ton; on Manilla, Sunn, and other hems of India, on jute, Sisal grass, coir and other vegetable substances, not enumerated; used for cordage, twenty-five dollars per ton; on codilla, or tow of hemp or flax, twenty dollars per ton; on tarred cables and cordage, five cents per pound; on untarred cordage, four and a half cents per pound, yarns, twine, and packthread, six cents per pound; on seines, seven cents per pound; on cotton bagging, four cents per square yard, on any other manufacture not otherwise specified, suitable for the uses to which cotton bagging is applied, whether composed in whole or in part of hemp or flax, or any other material, or imported under the designation of gunny cloth, or any other appellation, and without regard to the weight or width, a duty of five cents per square yard; on sail duck, seven cents per square yard; Russia and other sheetings, brown and white, twenty-five per centum ad valorem; and on all other manufactures of hemp, or of which hemp shall be a component part, not specified, twenty per centum ad valorem; on unmanufactured flax, twenty dollars per ton; on linens, and all other manufactures of flax, or of which flax shall be a component part, not otherwise specified a duty of twenty-five per centum ad valorem; on grass cloth, a duty of twenty-five per centum ad valorem.

Fourth. On stamped, printed, or painted floor oil cloth, thirty-five cents per square yard; on furniture oil cloth made on Canton or cotton flannel, sixteen cents per square yard; on other furniture oil cloth, ten cents per square yard; on oil cloth of linen, silk, or other materials, used for hat covers, aprons, coach curtains, or similar purposes, and on medicated oil cloths, a duty of twelve and a half cents per square yard; on Chinese or other floor matting, made of flags, jute, or grass, on all floor mattings not otherwise specified, and on mats, of whatever materials composed, twenty-five per centum ad valorem.

Oil cloth.

Matting.

§ 4. *And be it further enacted*, That from and after the passage of this act, there shall be levied, collected, and paid, on the importation of the articles hereinafter mentioned, the following duties, that is to say:

First. On iron in bars or bolts, not manufactured in whole or in part by rolling, seventeen dollars per ton; on bar or bolt iron, made wholly or in part by rolling, twenty-five dollars per ton: *Provided*, That all iron in slabs, blooms, loops, or other form, less finished than iron in bars or bolts, and more advanced than pig iron, except castings, shall be rated as iron in bars or bolts, and pay a duty accordingly: *Provided, also*, That iron imported prior to the third day of March, eighteen hundred and forty-three, in bars or otherwise, for railways or inclined planes, shall be entitled to the benefits of the provisions of existing laws, exempting it from the payment of duty on proof of its having been actually and permanently laid down for use on any railway or inclined plane prior to the third day of March, eighteen hundred and forty-three, and all such iron imported from and after the date aforesaid, shall be subject to and pay the duty on rolled iron.

Iron in bars or bolts, &c.

Iron imported prior to 3d March, 1843, for railways or inclined planes exempt from duty.

Second. On iron in pigs, nine dollars per ton; on vessels of cast iron; not otherwise specified, one cent and a half per pound; on all other castings of iron, not otherwise specified, one cent per pound; on glazed or tin hollow ware and castings, sad irons, or smoothing irons, hatters' and tailors' pressing irons, and cast iron butts or hinges, two and a half cents per pound; on iron or steel wire, not exceeding No. 14, five cents per pound; and over No. 14, and not exceeding No. 25, eight cents per pound; over No. 25, eleven cents per pound; silvered or plated wire, thirty per centum ad valorem; brass or copper wire, twenty-five per centum ad valorem; cap or bonnet wire, covered with silk, twelve cents per pound; when covered with cotton thread or other material, eight cents per pound; on round or square iron, or braziers' rods, of three sixteenths, to ten sixteenths of an inch in diameter, inclusive, and on iron in nail or spike rods, or nail plates, slit, rolled, or hammered, and on iron in sheets, except taggers' iron, and on hoop iron, and on iron slit, rolled or hammered for band iron, scroll iron, or casement rods, iron cables or chains, or parts thereof, manufactured in whole or in part, of whatever diameter, the links being of the form peculiar to chains for cables, two and a half cents per pound; on all other chains of

Iron in pigs.

Iron castings.

Wire.

Various other manufactures of iron and steel.

iron, not otherwise specified, the links being either twisted or straight, and, when straight, of greater length than those used in chains for cables, thirty per centum ad valorem; on anchors or parts of anchors, manufactured in whole or in part, anvils, blacksmiths' hammers and sledges, two and a half cents per pound; on cut or wrought iron spikes, three cents per pound; and on cut iron nails, three cents, per pound; and on wrought iron nails, on axletrees, or parts thereof, mill irons and mill cranks of wrought iron, or wrought iron for ships, locomotives, and steam engines, or iron chains other than chain cables, and on malleable iron or castings, four cents per pound; on steam, gas, or water tubes or pipes, made of band or rolled iron, five cents per pound; on mill saws, cross-cut saws, and pit-saws, one dollar each; on tacks, brads, and sprigs, not exceeding sixteen ounces to the thousand, five cents per thousand; exceeding sixteen ounces to the thousand, five cents per pound; on taggers' iron, five per centum ad valorem: *Provided*, That all articles partially manufactured, not otherwise provided for, shall pay the same rate of duty as if wholly manufactured; *And provided*, also, That no articles manufactured from steel, sheet, rod, hoop, or other kinds of iron, shall pay a less rate of duty than is chargeable on the material of which it is composed, in whole or in part, paying the highest rate of duty either by weight or value, and a duty of fifteen per centum ad valorem on the cost of the article added thereto.

Old or scrap iron.

Third. On all old or scrap iron, ten dollars per ton: *Provided*, That nothing shall be deemed old iron that has not been in actual use, and fit only to be remanufactured; and all pieces of iron, except old, of more than six inches in length, or of sufficient length to be made into spikes and bolts, shall be rated as bar, bolt, rod, or hoop iron, as the case may be, and pay duty accordingly: *Provided*, also, That all vessels of cast iron, and all castings of iron not rough as from the mould, but partially manufactured after the casting, or with handles, rings, hoops, or other additions of wrought iron shall pay the same rates of duty herein imposed on all other manufactures of wrought iron not herein enumerated, if that shall amount to more than the duty on castings.

Fire arms,
hard ware, &c.

Fourth. On muskets, one dollar and fifty cents per stand: rifles, two dollars and fifty cents each; on axes, adzes, hatchets, plane irons, socket, chisels and vices, drawing knives, cutting knives, sickles or reaping hooks, scythes, spades, shovels, squares of iron or steel, plated or polished steel saddlery and brass saddlery, coach and harness furniture of all descriptions, steelyards and scale beams, and all fire arms other than muskets and rifles, and all side arms, thirty per centum ad valorem; on square wire, used for the manufacture of stretchers for umbrellas, when cut in pieces not exceeding the length suitable therefor, twelve and a half per centum ad valorem.

Umbrella wire.

Screws.

Fifth. On screws made of iron called wood screws, twelve

cents per pound ; and on all other screws of iron not specified, thirty per centum ad valorem ; on brass screws thirty cents per pound ; on sheet and rolled brass, a duty of thirty per centum ad valorem ; on brass battery, or hammered kettles, twelve cents per pound.

Brass.

Sixth. On cast, shear, and German steel in bars, one dollar and fifty cents per one hundred and twelve pounds ; and on all other steel in bars, two dollars and fifty cents per one hundred and twelve pounds ; on solid headed pins, and all other package pins, not exceeding five thousand to the pack of twelve papers, forty cents per pack, and in the same proportion for a greater or less quantity ; on pound pins, twenty cents per pound ; on sewing, tambouring, darning, netting, and knitting, and all other kinds of needles, a duty of twenty per centum ad valorem ; on common, tinned, and japanned saddlery, of all descriptions, twenty per centum ad valorem.

Steel.

Seventh. On japanned ware of all kinds, or papier mache, and plated and gilt wares of all kinds, and on cutlery of all kinds, and all other manufactures, not otherwise specified, made of brass, iron, steel, lead, copper, pewter, or tin, or of which either of these metals is a component material, thirty per centum ad valorem : *Provided*, That all manufactures of iron and steel, or other metals, partly finished, shall pay the same rates of duty as if entirely finished.

Various manufactures of metals.

Eighth. On lead in pigs and bars, three cents per pound ; on old and scrap lead, one cent and a half per pound ; leaden pipes, leaden shot, and lead in sheets, or in any other form not herein specified, four cents per pound ; on type metal and stereotype plates, twenty-five per centum ad valorem ; types whether new or old, twenty-five per centum ad valorem ; on copper bottoms cut round, and copper bottoms raised at the edge, and still bottoms cut round and turned up on the edge, and parts thereof, and on copper plates or sheets weighing more than thirty-four ounces per square foot, commonly called braziers' copper, thirty per centum ad valorem ; on copper rods and bolts, nails and spikes, four cents per pound ; and on patent sheathing metal composed in part of copper, two cents per pound.

Lead.

Copper.

Ninth. On tin, in pigs, bars, or blocks, one per centum ad valorem ; tin in plates or sheets,terne plates, taggers' tin, and tin foil, two and a half per centum ad valorem ; on silver plated metal in sheets, and on argentine, alabata, or German silver, in sheets or otherwise, unmanufactured, thirty per centum ad valorem ; on manufactures of German silver, bell metal, zinc, and bronze, thirty per centum ad valorem ; on zinc, in sheets ten per centum ad valorem ; *Provided*, That old bells, or parts thereof, fit only to be remanufactured, shall not be considered manufactures of bell metal, but shall be admitted free of duty ; on bronze powder, bronze liquor, iron liquor, red liquor, and seppia, twenty per centum ad valorem.

Tin, silver plated metal, &c.

Tenth. On coal, one dollar and seventy-five cents per ton ; on coke or culm of coal, five cents per bushel.

Coal, &c.

§ 5. *And be it further enacted*, That, from and after the passage of this act, there shall be levied, collected, and paid, on the importation of the articles hereinafter mentioned, the following duties ; that is to say :

Cut glass.

First. On all vessels or wares, articles, and manufactures of cut glass, when the cutting on the article does not exceed one-third the height or length thereof, a duty of twenty-five cents per pound ; when the cutting exceeds one-third the height or length, but does not exceed one-half the same, a duty of thirty-five cents per pound ; when the cutting extends to or exceeds one-half the height or length thereof, a duty of forty-five cents per pound ; on cut glass chandeliers, candlesticks, lustres, lenses, lamps, prisms and parts of the same, and on all drops, icicles, spangles, and ornaments used for mountings, a duty of forty-five cents per pound ; on articles of plain, moulded, or pressed glass, weighing over eight ounces, a duty of ten cents per pound ; on articles of plain, moulded, or pressed glass, weighing eight ounces or under, except tumblers, a duty of twelve cents per pound ; on plain, moulded, or pressed tumblers, ten cents per pound ; on all plain, moulded or pressed glass, when stoppered, or the bottoms ground, or punted, an additional duty of four cents per pound : *Provided*, That all articles of moulded or pressed glass, being cut, roughed, or polished, in part or parts thereof, and all other wares or articles of flint glass, not otherwise specified, shall pay the duty chargeable on articles of cut glass of the description and glass to which they may severally belong.

Moulded or pressed glass.

Vials and bottles.

Second. On all apothecaries' vials and bottles, not exceeding the capacity of six ounces each, one dollar and seventy-five cents per gross ; apothecaries' vials and bottles exceeding six ounces, and not exceeding the capacity of sixteen ounces each, two dollars and twenty-five cents per gross ; on all perfumery and fancy vials and bottles, uncut, not exceeding the capacity of four ounces each, two dollars and fifty cents per gross ; and those exceeding four ounces, and not exceeding, in capacity, sixteen ounces each, three dollars per gross.

Black and green glass bottles and jars.

Demijohns and carboys.

Third. On black and green glass bottles and jars, exceeding eight ounces, and not exceeding in capacity, one quart each, a duty of three dollars per gross ; when exceeding the capacity of one quart each, four dollars per gross ; on demijohns and carboys, of the capacity, of half a gallon or less, fifteen cents each ; when exceeding, in capacity, half a gallon, and not exceeding three gallons each, a duty of thirty cents each ; exceeding three gallons, fifty cents each.

Window glass.

Fourth. On cylinder or broad window glass, not exceeding eight by ten inches, two cents per square foot ; above that, and not exceeding ten by twelve inches, two and a half cents per square foot ; above that, and not exceeding fourteen by ten inches, three and a half cents per square foot ; above that, and not exceeding sixteen by eleven inches, four cents per square foot ; above that, and not exceeding eighteen by twelve inches, five cents per square foot ; above eighteen by twelve inches, six cents

per square foot. On all crown window glass not exceeding ten by eight inches, three and a half cents per square foot; above that, and not exceeding ten by twelve inches, five cents per square foot; above that, and not exceeding fourteen by ten inches, six cents per square foot; above that, and not exceeding sixteen by eleven inches, seven cents per square foot; above that, and not exceeding eighteen by twelve inches, eight cents per square foot; and all exceeding eighteen by twelve inches, ten cents per square foot; *Provided*, That all glass imported in sheets or tables, without reference to form, shall pay the highest duties herein imposed on the different descriptions of window glass. On all polished plate glass, whether imported as window glass, or however otherwise specified, not silvered, and not exceeding twelve by eight inches, five cents per square foot; above that, and not exceeding fourteen by ten inches, seven cents per square foot; above that, and not exceeding sixteen by eleven inches, eight cents per square foot; above that, and not exceeding eighteen by twelve inches, ten cents per square foot; above that, and not exceeding twenty-two by fourteen inches, twelve cents per square foot; all above twenty-two by fourteen inches, thirty per centum ad valorem; if silvered, an addition of twenty per centum shall be made to the duty; if framed, a duty of thirty per centum ad valorem: *Provided*, That on all cylinder or broad glass, weighing over one hundred pounds per one hundred square feet, and on all crown glass weighing over one hundred and sixty pounds per one hundred square feet, there shall be an additional duty on the excess at the same rate as herein imposed.

Glass in sheets
or tables.

Plate glass.

On porcelain glass, on glass colored, or paintings on glass, a duty of thirty per centum ad valorem; on all articles or manufactures of glass not specified, connected with other materials, rendering it impracticable to separate it and determine its weight, twenty-five per centum ad valorem.

Porcelain glass,
colored glass, &c.

Fifth. On China ware, porcelain ware, earthen ware, stone ware, and all other ware composed of earth or mineral substances, not otherwise specified, whether gilt, painted, printed, plain, or glazed, a duty of thirty per centum ad valorem.

China ware, &c.

Sixth. On tanned, sole or bend leather, six cents per pound; on all upper leather not otherwise specified, eight cents per pound; on calf and seal skins tanned and dressed, five dollars per dozen; on sheep skins tanned and dressed, or skivers, two dollars per dozen; on goat skins or morocco tanned and dressed, two dollars and fifty cents per dozen; on kid skins or morocco tanned and dressed, one dollar and fifty cents per dozen; on goat or sheep skins tanned and not dressed, one dollar per dozen; on all kid and lamb skins tanned and not dressed, seventy-five cents per dozen; and on skins tanned and dressed, otherwise than in color, to wit, fawn, kid, and lamb, usually known as chamois, one dollar per dozen; on men's boots and bootees of leather, wholly or partially manufactured, one dollar and twenty-five cents per pair; men's shoes or pumps, wholly or partially manufactured, thirty cents per pair; women's boots and boot-

Leather, &c.

Shoes and boots.

ees of leather, wholly or partially manufactured, fifty cents per pair; children's boots, booties, and shoes, wholly or partially manufactured, fifteen cents per pair; women's double-soled pumps and weks, wholly or partially manufactured, forty cents per pair; women's shoes or slippers, wholly or partially manufactured, whether of leather, prunella, or other material, except silk, twenty-five cents per pair; on raw hides of all kinds, whether dried or salted, five per centum ad valorem; on all skins pickled and in casks, not specified, twenty per centum ad valorem.

Raw hides, &c.

Manufactures
of leather.

Seventh. On men's leather gloves, one dollar and twenty-five cents per dozen; women's leather habit gloves, one dollar per dozen; children's leather habit gloves, fifty cents per dozen; women's extra and demi length leather gloves, one dollar and fifty cents per dozen; children's extra and demi length leather gloves, seventy-five cents per dozen; on leather caps or hats, leather braces or suspenders, and on all other braces or suspenders, of whatever material or materials composed, except India rubber, and on leather bottles, patent leather, and on all other manufactures of leather, or of which leather is a component material of chief value, not otherwise specified, a duty of thirty-five per centum ad valorem.

Braces of materials other than
India rubber.

Furs, &c.]

Eighth. On furs of all kinds on the skin, undressed, five per centum ad valorem; on furs dressed on the skin, on all hatters' furs, whether dressed or undressed, not on the skin, twenty-five per centum ad valorem; fur hats, caps, muffs, tippets, and other manufactures of fur not specified, thirty-five per centum ad valorem; fur hat bodies, frames, or felts, manufactured, not in form or trimmed, or otherwise, twenty-five per centum ad valorem; hats of wool, hat bodies or felts made in whole or in part of wool, eighteen cents each.

Hats and bonnets of straw, &c.

Ninth. On hats and bonnets for men, women, and children, from Panama, Manilla, Leghorn, Naples, or elsewhere, composed of satin, straw, chip, grass, straw, palm leaf, ratan, willow, or any other vegetable substance, or of hair, whalebone, or other material not otherwise specified, a duty of thirty-five per centum ad valorem: *Provided*, That all flats, braids, plaits, spartere, or willow squares, used for making hats or bonnets, shall pay the same rate of duty as manufactured hats or bonnets.

Feathers, artificial flowers, hair,
moss, &c.

Tenth. On all ornamental feathers and artificial flowers, or parts thereof, of whatever material composed, hair bracelets, chains, ringlets, curls, or braids, human hair, cleaned and prepared for use, and on fans of every description, twenty-five per centum ad valorem; on all hair, human or otherwise, uncleaned and unmanufactured, ten per centum ad valorem; on hair cloth or seating, and on hair belts and hair gloves, twenty-five per centum ad valorem; on curled hair and moss, for beds or mattresses, ten per centum ad valorem; on feathers for beds, and on down of all kinds, twenty-five per centum ad valorem; on India rubber oil cloth, webbing, shoes, braces or suspenders, or other fabrics or manufactured articles composed wholly or in part of In-

India Rubber
articles.

dia rubber, thirty per centum ad valorem: *Provided*, That braces or suspenders of that material, not exceeding in value two dollars per dozen, shall be valued at two dollars per dozen and, pay duty accordingly. On all clocks, twenty-five per centum ad valorem; and on glaziers' diamonds, when set, twenty-five per centum ad valorem; on ship or box chronometers, twenty per centum ad valorem; on watches or parts of watches, and watch materials not specified, seven and a half per centum ad valorem; on diamonds, seven and a half per centum ad valorem; on crystals of glass for watches, and on glass or pebbles for spectacles or eye-glasses, when not set, two dollars per gross; on gems, pearls, or precious stones, seven per centum ad valorem; on imitations thereof, and compositions of glass or paste, on cameos and imitations thereof, and on mosaics not specified, of whatever materials composed, whether real or imitation, set or not set, seven and a half per centum ad valorem; on jewelry, composed of gold, silver, or platina, and gold and silver leaf, twenty per centum ad valorem; on gilt, plated, or imitation jewelry, and Dutch metal in leaf, twenty-five per centum ad valorem; on Scagliola table tops, and table tops of marble or composition, inlaid with precious stones or small pieces of composition, known as mosaics, on table tops of marble or composition, when inlaid with various colored marbles, and on alabaster and spar ornaments, thirty per centum ad valorem; on manufactures of services, vessels, and wares of all kinds, not otherwise specified, of silver or gold, or of which either of these metals shall be a component material of chief value, whether plain, chased, engraved, or embossed, an ad valorem duty of thirty per centum.

Clocks, diamonds, watch and spectacle glasses, precious stones, jewelry, table tops, alabaster ornaments, plate, &c.

Eleventh. On all manufactures of wood, not otherwise specified, thirty per centum ad valorem; *Provided*, That boards, planks, staves, scantlings, hewn or sawed timber, unwrought spars, and all other descriptions of wood which shall have been wrought into shapes that fit them, respectively, for any specific and permanent use without further manufacture, shall be deemed and taken as manufactured wood, and pay duty accordingly; and on timber to be used in building wharves, and firewood, twenty per centum ad valorem; *Provided, also*, That rough boards, planks, staves, scantling, and sawed timber, not planed or wrought into any shapes for use, shall pay a duty of twenty per centum ad valorem; *And provided further*, That rose wood, satin wood, mahogany, and cedar wood, shall pay a duty of fifteen per centum ad valorem; on walking canes and sticks, frames and sticks for umbrellas, for parasols, and for sunshades, cabinet wares or household furniture not otherwise specified, musical instruments of all kinds, carriages and parts thereof, thirty per centum ad valorem; *Provided, also*, That strings for musical instruments, of catgut or whipgut, and all other strings, or thread of similar materials, shall pay a duty of fifteen per centum ad valorem.

Wood and manufactures of wood.

Strings of catgut, &c.

Twelfth. On unmanufactured marble in the rough, slab, or block, twenty-five per centum ad valorem; on marble busts or

Marble. Statuary.

statuary, not specially imported, as hereinafter provided for, and on all other manufactures of marble not specified, a duty of thirty per centum ad valorem; on slates of all kinds, paving tiles and bricks, twenty-five per centum ad valorem; on baskets and other manufactures, not specified, of grass, straw, osier or willow and palm leaf, twenty-five per centum ad valorem; on wax, amber or composition beads, and all other beads not otherwise enumerated, and shell or fancy boxes not otherwise specified, twenty-five per centum ad valorem; on combs for the hair, of whatever material composed, twenty-five per centum ad valorem; on brushes and brooms of all kinds, thirty per centum ad valorem; and on bristles, one cent per pound; on dolls and toys of every description, of whatever material or materials composed, thirty per centum ad valorem; on metal buttons of all kinds, thirty per centum ad valorem; *Provided*, That all such buttons, not exceeding in value one dollar per gross, shall be valued at one dollar, and be charged with duty accordingly; on all other buttons, and on all button moulds, of whatever material composed, twenty-five per centum ad valorem; *Provided*, That lastings, prunellas, and similar fabrics, not specified, when imported in strips, pieces or patterns, of the size and shape suitable for the manufacture exclusively of buttons, shoes or bootees, and that mohair or worsted cloth, black linen canvass, figured satin, and figured or brocaded or Terry velvet, when imported in strips, pieces or patterns, of the size and shape suitable for the manufacture, exclusively of buttons, tortoise shell, ivory, or teeth of elephants unmanufactured, horns and teeth, and horn and bone tips, shall be admitted to entry at a duty of five per centum ad valorem; otherwise to be subject to the rates of duty chargeable on them, respectively, according to their component materials.

Slates, tiles and
bricks.
Baskets.

Beads.

Fancy boxes.
Combs.

Brushes, &c.

Toys.

Buttons, etc.

Tortoise shell,
ivory, teeth,
horns, etc.

Painters' colors,
oils, etc.

§ 6. *And be it further enacted*, That from and after the passage of this act there shall be levied, collected, and paid, on the importation of the articles hereinafter mentioned, the following rates of duty; that is to say,

On white or red leads, litharge, or acetate or chromate of lead, dry or ground in oil, four cents per pound; on whiting or Paris white, and all ochres or ochry earths used in the composition of painters' color, when dry one cent per pound, when ground in oil one cent and a half per pound; on sulphate of barytes one half cent per pound, on linseed, hempseed, and rapeseed oil, twenty-five cents per gallon; on putty, one cent and a half per pound.

§ 7. *And be it further enacted*, That from and after the passage of this act there shall be levied, collected, and paid, on the importation of the articles hereinafter mentioned, the following rates of duty; that is to say,

Paper, paper
snuff boxes, fancy
paper boxes, stationery, rags, etc.

First. On bank, folio, quarto post of all kinds, and letter and bank note paper, seventeen cents per pound; on antiquarian, demy, drawing, elephant, double elephant, foolscap, imperial, medium, pot, pith, royal, super-royal, and writing paper, fifteen

cents per pound ; on copperplate, blotting, copying, colored for labels, colored for needles, marble or fancy colored, glass paper, morocco paper, paste board, pressing-board, sand paper, tissue paper and on all gold or silver paper, whether in sheets or strips, twelve and a half cents per pound ; on colored copperplate, printing, and stainers' paper, ten cents per pound ; on binders' boards, box boards, mill boards, paper makers' boards, sheathing, wrapping and cartridge paper, three cents per pound ; and on all paper envelopes, whether plain, ornamental or colored, and on all billet-doux or fancy note paper, of whatever form or size, when of less size than letter paper, thirty per centum ad valorem ; on music paper, with lines, and on paper gilt or covered with metal other than gold or silver, paper snuff-boxes, japanned or not japanned, and other fancy paper boxes, twenty-five per centum ad valorem ; on all paper hangings, or paper for screens or fire-boards, thirty-five per centum ad valorem ; on all blank or visiting cards, twelve cents per pound ; on playing cards, twenty-five cents per pack ; on blank books when bound, twenty cents per pound ; when unbound, fifteen cents per pound ; on all parchment and vellum, and on asses skin and imitation thereof, wafers, sealing-wax, and black lead pencils, crayons of all kinds, and metallic pens, twenty-five per centum ad valorem ; ink and ink powder of all kinds, twenty-five per centum ad valorem ; quills prepared or manufactured, twenty-five per centum ad valorem ; quills, unprepared or unmanufactured, fifteen per centum ad valorem ; on rags, of whatever material, waste or shoddy, a quarter of one cent per pound ; on all other paper not enumerated, fifteen cents per pound.

Second. On all books printed in the English language, or of which English forms the text, when bound, thirty cents per pound, when in sheets or boards, twenty cents per pound : *Provided*, That whenever the importer shall prove, to the satisfaction of the collector, when the goods are entered, that any such book has been printed and published abroad more than one year, and not republished in this country, or has been printed and published abroad more than five years before such importation, then and in such case said books shall be admitted at one-half of the above rate of duties : *Provided*, That the said terms of one year and five years, shall in no case commence, or be computed at and from a day before the passing of this act ; on all books printed in Latin or Greek, or in which either language forms the text, when bound, fifteen cents per pound, when unbound, thirteen cents per pound : on all books printed in Hebrew, or of which that language forms the text, when bound, ten cents per pound, and when unbound, eight cents per pound : *Provided*, That all books printed in foreign languages, Latin, Greek, and Hebrew, excepted, shall pay a duty of five cents per volume when bound or in boards, and when in sheets or pamphlets, fifteen cents per pound ; and editions of works in the Greek, Latin, Hebrew, or English language, which have been printed forty years prior to the date of importation, shall

Books, etc.

pay a duty of five cents per volume : and all reports of legislative committees appointed under foreign Governments shall pay a duty of five cents per volume ; on polyglots, lexicons, and dictionaries, five cents per pound ; on books of engravings, or plates, with or without letter press, whether bound or unbound, and on maps and charts, twenty per centum ad valorem.

§ 8. *And be it further enacted*, That from and after the passage of this act, there shall be levied, collected, and paid, on the importation of the articles hereinafter mentioned, the following duties : that is to say,

Sugars, sirups,
molasses, sweat-
meats, confec-
tionary, etc.

First. On raw sugar (commonly called brown sugar), not advanced beyond its raw state, by claying, boiling, clarifying, or other process, and on sirup of sugar, or of sugar cane, and on brown clayed sugar, two and a half cents per pound ; on all other sugars, when advanced beyond the raw state, by claying, boiling, clarifying, or other process, and not yet refined, four cents per pound ; on refined sugars, (whether loaf, lump, crushed, or pulverized, and when, after being refined, they have been tinctured, colored, or in any way adulterated), and on sugar candy, six cents per pound ; on molasses, four and one half mills per pound ; *Provided*, That all sirups of sugar or sugar cane, entered under the designation of molasses, or any other appellation than "sirup of sugar" or of sugar cane, shall be liable to forfeiture to the United States ; on comfits, on sweatmeats, or fruits preserved in molasses, sugar or brandy, and on confectionary of all kinds, not otherwise specified, twenty-five per centum ad valorem ; *Provided further*, That an inspection under such regulations as the Secretary of the Treasury may prescribe, shall be made of all sugars and molasses imported from foreign countries, in order to prevent frauds, and to prevent the introduction of sugars, sirup of sugar, sirup of cane, or battery sirup, under the title of molasses, or in any other improper manner.

Chocolate, spi-
ces, drugs, quick-
silver, gunpow-
der, dried fruits,
&c.

Second. On cocoa, one cent per pound ; chocolate, four cents per pound ; on mace, fifty cents per pound ; nutmegs, thirty cents per pound ; cloves, eight cents per pound ; cinnamon, twenty-five cents per pound ; oil of cloves, thirty cents per pound ; Chinese cassia, five cents per pound ; pimento, five cents per pound ; on black pepper, five cents per pound ; Cayenne and African, or Chili pepper, ten cents per pound ; ginger, ground, four cents per pound ; ginger in the root, when not preserved, two cents per pound ; on mustard twenty-five per centum ad valorem ; on mustard-seed and on linseed five per centum ad valorem ; on camphor, refined, twenty cents per pound ; crude camphor, five cents per pound ; on indigo, five cents per pound ; on woad or pastel, one cent per pound ; on ivory or bone black, three-fourths of one cent per pound ; on alum, one cent and a half per pound ; on opium, seventy-five cents per pound ; on quick silver, five per centum ad valorem ; on roll

brimstone, calomel and other mercurial preparations, corrosive sublimate, and red precipitate, twenty-five per centum ad valorem; on glue, five cents per pound; on gunpowder, eight cents per pound; on copperas and green vitriol, two cents per pound; on blue or Roman vitriol, or sulphate of copper, four cents per pound; on oil of vitriol, or sulphuric acid, one cent per pound; on almonds and prunes, three cents per pound; on sweet oil of almonds, nine cents per pound; on dates, one cent per pound; currants, three cents per pound; figs, two cents per pound; on all nuts not specified, except those used for dyeing, one cent per pound; on muscatel and bloom raisins, either in boxes or jars, three cents per pound; and on all other raisins, two cents per pound; on olives, thirty per centum ad valorem.

Third. On olive oil in casks, twenty cents per gallon; olive salad oil in bottles or betties, thirty per centum ad valorem; all other olive oil, not salad, and not otherwise specified, twenty per centum ad valorem; on spermaceti oil of foreign fisheries, twenty-five cents per gallon; whale or other fish oil, not sperm, of foreign fisheries, fifteen cents per gallon; whalebone the product of foreign fisheries, twelve and a half per centum ad valorem; on spermaceti or wax candles, and on candles of spermaceti and wax combined, eight cents per pound; wax tapers, thirty per centum ad valorem; tallow candles, four cents per pound; on tallow, one cent per pound; bees wax, bleached or unbleached, and shoemakers' wax, fifteen per centum ad valorem; on Windsor, shaving, and all other perfumed or fancy soaps, or wash balls, and Castile soap, thirty per centum ad valorem; on all other hard soaps, four cents per pound; and on all soft soap, fifty cents per barrel; on marrow, grease, and all other soap stocks and soap stuffs, ten per centum ad valorem; on starch, two cents per pound; on pearl or hulled barley, two cents per pound; on corks, thirty per centum ad valorem; on manufactures of cork, twenty-five per centum ad valorem; on sponges and spunk, twenty per centum ad valorem; on oranges and lemons in boxes, barrels or casks, and on grapes not dried, in boxes, kegs, or jars, twenty per centum ad valorem.

Fourth. On salt, eight cents per bushel of fifty-six pounds; on saltpetre, partially refined, one fourth of one cent per pound; completely refined, two cents per pound; on bleaching powder, or chloride of lime, one cent per pound; on vinegar, eight cents per gallon; on spirits of turpentine, ten cents per gallon; on beef and pork, two cents per pound; hams and bacon, three cents per pound; prepared meats, poultry or game, in cases or otherwise, and Bologna sausages, twenty-five per centum ad valorem; on cheese, nine cents per pound; butter, five cents per pound; lard, three cents per pound; macaroni and vermicelli, gelatine, jellies, and all similar preparations, thirty per centum ad valorem; on wheat, twenty-five cents per bushel; barley, twenty cents per bushel; rye, fifteen cents per bushel; oats, ten cents per bushel; Indian corn, or maize, ten cents per bushel; wheat flour, seventy cents per one hundred and twelve pounds; Indian

Olive oil, of
and whalebone
of foreign fisher-
ies.

Candles, etc.

Tallow.
Wax.

Soap, etc.

Starch.
Barley.

Cork.

Sponges, etc.

Fruits.

Various other
articles.

meal, twenty cents per one hundred and twelve pounds ; potatoes, ten cents per bushel ; on foreign fish, viz : dried or smoked, one dollar per one hundred and twelve pounds ; on mackerel and herrings, pickled or salted, one dollar and fifty cents per barrel ; on pickled salmon, two dollars per barrel ; on all other fish, pickled in barrels, one dollar per barrel ; on all other pickled fish, imported otherwise than in barrels or half barrels, not specified, twenty per centum ad valorem ; and on sardines and other fish, preserved in oil, twenty per centum ad valorem : *Provided*, That fresh caught fish, brought in for daily consumption, shall be exempt from duty ; on fish-glue or isinglass, twenty per centum ad valorem ; on pickles, capers, and sauces of all kinds, not otherwise enumerated, thirty per centum ad valorem ; on castor oil, forty cents per gallon ; neatsfoot and animal oils, and all volatile and essential oils, not otherwise specified, twenty per centum ad valorem ; on all gums and other resinous substances, not specified, in a crude state, fifteen per centum ad valorem ; and on the said articles, when not in a crude state, and on pastes, balsams, essences, tinctures, extracts, cosmetics, and perfumes, not otherwise enumerated, twenty-five per centum ad valorem ; on benzoic, citric, white or yellow muriatic, nitric, oxalic, pyroligneous, and tartaric acids, twenty per centum ad valorem ; on boracic acid, five per centum ad valorem ; borax or tinctal, twenty five per centum ad valorem ; on amber, ambergris, ammonia, annatto, annisseed, arrow root, vanilla beans, French chalk, red chalk, juniper berries, manganese, nitrate of lead, chromate, bichromate, and prussiate of potash, glauber and Rochelle salts, Epsom salts or sulphate of magnesia, and all other chemical salts or preparations of salts not enumerated, smalts, salsoda, and all carbonates of soda, by whatever name designated, other than soda ash, barilla, and kelp, twenty per centum ad valorem ; on sulphate of quinine, forty cents per ounce, avoirdupois ; on soda ash, five per centum ad valorem.

Brandy, other spirits, wines, liquors, porter, &c.

Fifth. On brandy, one dollar per gallon ; on other spirits manufactured or distilled from grain or other materials, for first and second proofs, sixty cents, for third proof, sixty-five cents, for fourth proof, seventy cents, for fifth proof, seventy-five cents, and all above fifth proof, ninety cents per gallon ; on Madeira, Sherry, San Lucar, and Canary wine, in casks or bottles, sixty cents per gallon ; on champagne wines, forty cents per gallon ; on port, Burgundy, and claret wines, in bottles, thirty-five cents per gallon ; on port and Burgundy wines in casks, fifteen cents per gallon ; on Teneriffe wines, in casks or bottles, twenty cents per gallon ; on claret wines, in casks, six cents per gallon ; on the white wines, not enumerated, of France, Austria, Prussia, and Sardinia, and of Portugal and its possessions, in casks, seven and a half cents per gallon ; in bottles twenty cents per gallon ; on the red wines not enumerated, of France, Austria, Prussia, and Sardinia, and of Portugal and its possessions, in casks, six cents per gallon ; in bottles twenty cents per gallon, on the white and red wines of Spain, Germany, and the Mediterranean, not enu-

merated, in casks, twelve and a half cents per gallon; in bottles, twenty cents per gallon; on Sicily, Madeira, or Marsala wines, in casks or bottles, twenty-five cents per gallon; on other wines of Sicily, in casks or bottles, fifteen cents per gallon; on all other wines, not enumerated, and other than those of France, Austria, Prussia, and Sardinia, and of Portugal and its possessions, when in bottles, sixty-five cents per gallon, when in casks, twenty-five cents per gallon: *Provided*, That nothing herein contained shall be construed or permitted to operate so as to interfere with subsisting treaties with foreign nations: *Provided further*, That all imitations of brandy or spirits, or of any of the said wines, and all wines imported by any name whatever, shall be subject to the duty provided for the genuine article, and to the highest rate of duty applicable to the article of the same name. *And provided further*, That when wines are imported in bottles, the bottles shall pay a separate duty, according to the rate established by this act; on cordials and liqueurs of all kinds, sixty cents per gallon; on arrack, absynthe, Kirschen wasser, ratafia, and other similar spirituous beverages, not otherwise specified, sixty cents per gallon; on ale, porter, and beer, in bottles, twenty cents per gallon; otherwise than in bottles, fifteen cents per gallon; on tobacco in leaf, or unmanufactured, twenty per centum ad valorem; on cigars, of all kinds, forty cents per pound; on snuff, twelve cents per pound; manufactured tobacco, other than snuff and cigars ten cents per pound.

Tobacco.

§ 9. *And be it further enacted*, That from and after the day and year before mentioned, the following articles shall be exempt from duty, namely:

Articles exempt from duty.

First. All articles imported for the use of the United States.

Second. All goods, wares or merchandise, the growth, produce or manufacture of the United States, exported to a foreign country, and brought back to the United States, and books and personal and household effects, not merchandise, of citizens of the United States dying abroad.

Third. Paintings and statuary, the production of American artists residing abroad.

Fourth. Wearing apparel in actual use, and other personal effects, not merchandise, professional books, instruments, implements, and tools of trade, occupation, or employment, of persons arriving in the United States.

Fifth. Philosophical apparatus, instruments, books, maps, and charts, statues, statuary, busts, and casts, of marble, bronze, alabaster, or plaster of Paris, paintings, drawings, engravings, etchings, specimens of sculpture, cabinets of coins, medals, gems, and all other collections of antiquities, provided the same be specially imported in good faith for the use of any society incorporated or established for philosophical or literary purposes, or for the encouragement of the fine arts, or for the use and by the order of any college, academy, school, or seminary of learning in the United States.

Sixth. Anatomical preparations, models of machinery, and of

other inventions and improvements in the arts ; specimens in natural history, mineralogy, and botany ; trees, shrubs, plants, bulbs, or roots, and garden seeds not otherwise specified ; berries, nuts, and vegetables, used principally in dyeing or composing dyes ; all dye-woods in stick ; whale and other fish oils of American fisheries, and all other articles the produce of said fisheries ; animals imported for breed ; fish fresh caught, imported for daily consumption ; fruit green or ripe, from the West Indies, in bulk : tea and coffee when imported in American vessels from the places of their growth or production.

Seventh. Adhesive felt for sheathing vessels, alcornoque, aloes, antimony crude, argol, assofoetida, ava root, barilla, bark of cork tree unmanufactured ; bells or bell metal, old and only fit to be re-manufactured, or parts thereof, and chimes of bells ; brass in pigs or bars, and old brass only fit to be re-manufactured ; Brazil wood, crude brimstone, and flour of sulphur, bullion, burrstones, unwrought ; cantharides, chalk, clay unwrought, cochineal, coins of gold and silver, copper imported in any shape for the use of the mint, copper in pigs, or bars, and copper ore ; plates or sheets of copper for sheathing vessels ; but none is to be so considered except that which is fourteen inches wide, and forty-eight inches long, and weighing from fourteen to thirty-four ounces per square foot ; old copper fit only to be re-manufactured ; cream of tartar, emery ; flints, ground flint, gold bullion, gold epauletts and wings, grindstones, gum Arabic, gum Senegal, gum tragacanth, India rubber, in bottles or sheets, or otherwise, unmanufactured, and old junk, oakum, kelp, kermes, lac dye, leeches, madder, madder root, mother of pearl, nickel, nux vomica, palm leaf unmanufactured, palm oil ; Peruvian bark, pewter when old and only fit to be re-manufactured ; platina unmanufactured, ivory unmanufactured, plaster of Paris unground, ratans and reeds unmanufactured, rhubarb, saltpetre when crude, sarsaparilla, shellac, silver bullion, silver epauletts and wings, stones called polishing stones, stone called rotten stone, sumac, tartar when crude, teuteneque, turmeric, weld, woods of all kinds, when unmanufactured, not herein enumerated.

20 per cent. on articles not enumerated or provided for.

§ 10. *And be it further enacted*, That, on all articles not herein enumerated or provided for, there shall be levied, collected, and paid a duty of twenty per centum ad valorem.

Addition of ten per cent. on importations in for eign vessels, and

§ 11. *And be it further enacted*, That an addition of ten per centum shall be made to the several rates of duties by this act imposed, in respect to all goods, wares, and merchandise, on the importation of which, in American or foreign vessels, a specific discrimination between them is not herein made, which from and after the time when this act shall take effect and go into operation, shall be imported in ships or vessels not of the United States ; and that a further addition of ten per centum shall be made to the several rates of duties imposed by this act on all goods, wares and merchandise, which shall be imported from any

20 percent. if from east of the Cape of Good Hope.

Provided : vessels entitled by treaty or laws excepted.

port or place east of the Cape of Good Hope, in foreign vessels : *Provided*, That these additional duties shall not apply to goods,

wares, or merchandise, which shall be imported after the day that this act goes into operation, in ships or vessels not of the United States, entitled by treaty, or by any act or acts of Congress, to be entered in the ports of the United States, on the payment of the same duties as shall then be paid on goods, wares, or merchandise, imported in ships or vessels of the United States.

§ 12. *And be it further enacted*, That on and after the day this act goes into operation, the duties on all imported goods, wares, or merchandise, shall be paid in cash: *Provided*, That in all cases of failure or neglect to pay the duties, on completion of the entry, the said goods, wares, or merchandise, shall be taken possession of by the collector, and deposited in the public stores, there to be kept with due and reasonable care, at the charge and risk of the owner, importer, consignee, or agent; and if any such goods remain in public store beyond sixty days (except in the case of goods imported from beyond the Cape of Good Hope, remaining for the space of ninety days) without payment of the duties thereon, then said goods, wares and merchandise, or such quantities thereof, as may be deemed necessary to discharge the duties, shall be appraised and sold by the collector at public auction, on due public notice thereof, being first given, in the manner and for the time to be prescribed by a general regulation of the Treasury Department; and at said public sale, distinct printed catalogues, descriptive of said goods, with the appraised value affixed thereto, shall be distributed among the persons present at said sale; and a reasonable opportunity shall be given, before such sale, to persons desirous of purchasing, to inspect the quality of such goods; and the proceeds of said sales, after deducting the usual rate of storage at the port in question, together with all other charges and expenses, including interest on the duties from the date of entry at the rate of six per centum per annum, shall be applied to the payment of the duties, and any balance of money remaining, over and above the full amount of duties, charges, and expenses and interest aforesaid, as well as such quantities of any goods, wares, or merchandise, as may not have been sold for the purposes before mentioned, shall be delivered, and the money paid over, by the collector, to the owner, importer, consignee, or agent, and proper receipts taken for the same: *And provided*, That if no claim be made by such owner, importer, consignee, or agent, for the portion of goods which may remain in the hands of the collector, after such sale, the said goods shall be forthwith returned to the public stores, there to be kept at the risk and expense of the owner, importer, consignee, or agent, until claimed or sold for storage agreeably to law; and the proceeds of the sale for duties remaining unclaimed for the space of ten days after such sale, shall, after payment of duties and all expenses aforesaid, at the expiration of that period, be paid by the collector into the Treasury, in the manner provided for in the case of unclaimed goods in the next succeeding section of this act: *And provided, further*, That when any goods are of a perishable nature, they shall be sold forthwith.

Duties to be paid in cash.

In case of failure.

Relative to the
sale of unclaimed
goods.

§ 13. *And be it further enacted*, That, previous to the sale of any unclaimed goods, the said collector shall procure an inventory and appraisement thereof to be made, and to be verified, on oath or affirmation, by two or more respectable merchants, before the said collector, and to remain with him; and said collector shall afterward cause said goods to be advertised and sold, in the manner provided for in this act, and, after retaining the duties thereon, agreeably to such inventory and appraisement, and interest and charges as aforesaid, shall pay the overplus, if any there be, into the Treasury of the United States, there to remain for the use of the owner or owners, who shall, upon due proof of his, her, or their property, be entitled to receive the same; for which purpose the collector shall transmit, with the said overplus, a copy of the inventory, appraisement, and account of sales, specifying the marks, numbers, and descriptions of the packages sold, their contents, the name of the vessel and master in which and of the port or place whence they were imported, and the time when, and the name of the person or persons to whom said goods were consigned in the manifest; and the receipt or certificate of the collector shall exonerate the master or person having charge or command of any ship or vessel in which said goods, wares, and merchandise were imported, from all claim of the owner or owners thereof: *Provided*, That so much of the fifty-sixth section of the general collection law of the second of March seventeen hundred and ninety-nine, which provides for the storage of unclaimed merchandise, as conflicts with the provisions of this act, shall be, and is hereby repealed: *Provided, also*, That when such goods are of a perishable nature, they shall be sold forthwith.

Drawbacks on
foreign sugar re-
fined in U. S., and
on spirits distilled
from foreign mol-
lasses.

§ 14. *And be it further enacted*, That on and after the day this law goes into effect, there shall be allowed a drawback on foreign sugar refined in the United States, and exported therefrom, equal in amount to the duty paid on the foreign sugar from which it shall be manufactured, to be ascertained under such regulations as shall be prescribed by the Secretary of the Treasury, and no more; and on spirits distilled from foreign molasses, a drawback of five cents per gallon, till the first day of January, eighteen hundred and forty three, when it shall be reduced one cent per gallon; and annually on the first day of January thereafter, the said drawback shall be reduced one cent per gallon until the same shall be wholly discontinued: *Provided*, That this act shall not alter or repeal any law now in force regulating the exportation of sugar refined or spirits distilled from molasses in the United States, except as to the rates of duties and drawbacks.

No drawback un-
less exported in 3
years.

No additional du-
ty refunded.

§ 15. *And be it further enacted*, That, in the case of all goods, wares, and merchandise, imported on and after the day this act goes into operation, and entitled to debenture under the existing laws, no drawback of the duties shall be allowed on the same, unless said goods, wares, or merchandise shall be exported from the United States within three years from the date of importation of the same; nor shall the additional rate of duty lev-

ied by this act on goods, wares, and merchandise, imported in foreign vessels, be refunded in case of re-exportation: *Provided*, Provide: a per centum to be retained by U.S. That two and one half per centum on the amount of all drawbacks allowed, except on foreign and refined sugars, shall be retained, for the use of the United States, by the collectors paying such drawbacks, respectively; and in the case of foreign refined sugars, ten per centum shall be so retained.

§ 16. *And be it further enacted*, That in all cases where there Actual market value, in the country whence and when imported to be ascertained. is or shall be imposed any ad valorem rate of duty on any goods, wares, or merchandise imported into the United States, and in all cases where the duty imposed shall by law be regulated by, or directed to be estimated or based upon, the value of the square yard, or of any specified quantity or parcel of such goods, wares or merchandise, it shall be the duty of the collector, within whose district the same shall be imported or entered, to cause the actual market value or wholesale price thereof, at the time when purchased, in the principal markets of the country from which the same shall have been imported into the United States, or of the yards, parcels, or quantities, as the case may be, to be appraised, estimated and ascertained, and to such value or price, to be ascertained in the manner provided in this act, shall be added all Costs to be added. costs and charges except insurance, and including, in every case, a charge for commissions at the usual rates as the true value of the port where the same may be entered upon which duties shall be assessed. And it shall in every such case, be the duty of the appraisers of the United States, and every one of them, and every person who shall act as such appraiser, or of the collector and naval officer, as the case may be, by all reasonable ways and means in his or their power, to ascertain, estimate, and appraise the true and actual market value and wholesale price, any invoice or affidavit thereto to the contrary notwithstanding of the said goods, wares, and merchandise, at the time purchased, and in the principal markets of the country whence the same shall have been imported into the United States, and the number of such yards, parcels or quantities, and such actual market value or wholesale price of every of them, as the case may require; and all such goods, wares, or merchandise, being manufactured of wool, or whereof wool shall be a component part, which shall be imported into the United States in an unfinished condition, shall Unfinished wools to be rated as finished. in every such appraisal, be taken, deemed, and estimated to have been at the time purchased, and place whence the same were imported into the United States, of as great value as if the same had been entirely finished; *Provided*, That in all cases where goods, wares, and merchandise, subject to ad valorem duty, or on which the duties are to be levied upon the value of the square yard, and in all cases where any specific quantity or parcel of such goods, wares, and merchandise, shall have been imported into the United States from a country in which the same have not been manufactured or produced, the foreign value shall be appraised and estimated according to the current market value or wholesale price of similar articles at the principal markets of Provide: goods brought from any place where not manufactured or produced to be appraised at their value where manufactured or produced.

the country of production or manufacture, at the period of the exportation of said goods, wares and merchandise, to the United States.

Examination of owners and others, on oath authorized.

§ 17. *And be it further enacted*, That it shall be lawful for the appraisers, or the collector and naval officer, as the case may be, to call before them and examine, upon oath or affirmation, any owner, importer, consignee or other person, touching any matter or thing which they may deem material in ascertaining the true market value or wholesale price of any merchandise imported, and to require the production, on oath or affirmation to the collector or to any permanent appraiser, of any letters, accounts, or invoices, in his possession relating to the same, for which purpose they are hereby respectively authorized to administer oaths and affirmations; and if any person so called shall

For refusal to attend or answer, a forfeiture of \$100, and the appraisement to be final.

neglect or refuse to attend, or shall decline to answer, or shall, if required, refuse to answer in writing any interrogatories, and subscribe his name to his deposition, or to produce such papers, when so required, he shall forfeit and pay to the United States the sum of one hundred dollars; and if such person be the owner, importer, or consignee, the appraisement which the said appraisers, or collector and naval officer, where there are no legal appraisers, may make of the goods, wares, and merchandise, shall be final and conclusive, any act of Congress to the contrary notwithstanding; and any person who shall wilfully

False swearing, perjury,—goods forfeited therefor.

and corruptly swear or affirm falsely on such examination, shall be deemed guilty of perjury; and if he be the owner, importer or consignee, the merchandise shall be forfeited: and all testimony in writing, or depositions, taken by virtue of this section, shall be filed in the collector's office, and preserved for future use or reference, to be transmitted to the Secretary of the

In case of dissatisfaction with the appraisement, another may be made, how.

Treasury when he shall require the same; *Provided*, That if the importer, owner, agent, or consignee, of any such goods, shall be dissatisfied with the appraisement, and shall have complied with the foregoing requisitions, he may forthwith give notice to the collector in writing, of such dissatisfaction; on the receipt of which the collector shall select two discreet and experienced merchants, citizens of the United States, familiar with the character and value of the goods in question, to examine and appraise the same, agreeably to the foregoing provisions; and if they shall disagree, the collector shall decide between them; and the appraisement thus determined shall be final, and deemed and taken to be the true value of said goods, and the duties shall be levied thereon accordingly, any act of Congress to the contrary notwithstanding; *Provided, also*, That in all cases where the actual

Additional duty in case the appraisement exceeds the invoice 10 per cent.

value to be appraised, estimated and ascertained as hereinbefore stated, of any goods, wares, and merchandise, imported into the United States, and subject to any ad valorem duty, or whereon the duty is regulated by or directed to be imposed or levied on the value of the square yard, or other parcel or quantity thereof, shall exceed by ten per centum or more the invoice value, then,

in addition to the duty imposed by law on the same, there shall be levied and collected, on the same goods, wares, and merchandise, fifty per centum of the duty imposed on the same, when fairly invoiced.

§ 18. *And be it further enacted*, That the several collectors be, and they are hereby, authorized, under such regulations as may be prescribed by the Secretary of the Treasury, whenever they shall deem it necessary to protect and secure the revenue of the United States against frauds or under valuation, and the same is practicable, to take the amount of duties chargeable on any article bearing an ad valorem rate of duty, in the article itself, according to the proportion or rate per centum of the duty on said article; and such goods, so taken, the collector shall cause to be sold at public auction, within twenty days from the time of taking the same, in the manner prescribed in this act, and place the proceeds arising from such sale in the Treasury of the United States; *Provided*, That the collector or appraiser shall not be allowed any fees or commissions for taking and disposing of said goods, and paying the proceeds thereof into the Treasury, other than are now allowed by law.

Authority to take duties in the article itself. In certain cases and to sell the same.

§ 19. *And be it further enacted*, That if any person shall knowingly and wilfully, with intent to defraud the revenue of the United States, smuggle or clandestinely introduce into the United States any goods, wares, or merchandise, subject to duty by law, and which should have been invoiced, without paying or accounting for the duty, or shall make out, or pass, or attempt to pass, through the custom-house, any false, forged, or fraudulent invoice, every such person, his, her, or their aiders and abettors, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding five thousand dollars, or imprisoned for any term of time not exceeding two years, or both, at the discretion of the court.

Attempts to defraud the revenue punishable by fine and imprisonment.

§ 20. *And be it further enacted*, That there shall be levied, collected, and paid, on each and every non-enumerated article which bears a similitude, either in material, quality, texture, or the use to which it may be applied, to any enumerated article chargeable with duty, the same rate of duty which is levied and charged on the enumerated article which it most resembles in any of the particulars before mentioned; and if any non-enumerated article equally resembles two or more enumerated articles, on which different rates of duty are chargeable, there shall be levied, collected, and paid, on such non-enumerated article, the same rate of duty as is chargeable on the article which it resembles paying the highest duty; and on all articles manufactured from two or more materials, the duty shall be assessed at the highest rates at which any of its component parts may be chargeable.

Duties on non-enumerated articles.

§ 21. *And be it further enacted*, That the collector shall designate on the invoice at least one package of every invoice, and one package at least of every ten packages of goods, wares, or

Examination of invoices and packages required. &c.

merchandise, and a greater number, should he or either of the appraisers deem it necessary, imported into such port, to be opened, examined, and appraised, and shall order the package or packages so designated to the public stores for examination; and if any package be found by the appraisers to contain any article not specified in the invoice, and they or a majority of them shall be of opinion that such article was omitted in the invoice with fraudulent intent on the part of the shipper, owner, or agent, the contents of the entire package in which the article may be shall be liable to seizure and forfeiture on conviction thereof before any court of competent jurisdiction, but if said appraisers shall be of opinion that no such fraudulent intent existed, then the value of such article be added to the entry, and the duties thereon paid accordingly, and the same shall be delivered to the importer, agent, or consignee: *Provided*, That such forfeiture may be remitted by the Secretary of the Treasury, on the production of evidence, satisfactory to him, that no fraud was intended: *Provided further*, That if on the opening of package or packages of goods, a deficiency of any article shall be found, on examination by the appraisers, the same shall be certified to the collector on the invoice, and an allowance for the same be made in estimating the duties.

Where there are no appraisers, appraisement to be made, by whom.

§ 22. *And be it further enacted*, That where goods, wares, and merchandise shall be entered at ports where there are no appraisers, the mode hereinbefore prescribed of ascertaining the foreign value thereof, shall be carefully observed by the revenue officers to whom is committed the estimating and collection of duties.

Secretary of the Treasury to establish rules for the appraisal of goods.

§ 23. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury from time to time to establish such rules and regulations, not inconsistent with the laws of the United States, to secure a just, faithful, and impartial appraisal of all goods, wares, and merchandise, as aforesaid, imported into the United States, and just and proper entries of such actual market value or wholesale price thereof, and of the square yards, parcels, or other quantities, as the case may require, and of such actual market value or whole sale price of every of them.

Officers of the customs to execute instructions of the Secretary of the Treasury.

§ 24. *And be it further enacted*, That it shall be the duty of all collectors and other officers of the customs to execute and carry into effect all instructions of the Secretary of the Treasury relative to the execution of the revenue laws; and in case any difficulty shall arise as to the true construction or meaning of any part of such revenue laws, the decision of the Secretary of the Treasury shall be conclusive and binding upon all such collectors and other officers of the customs.

Act not to apply to vessels having left their last port of lading, beyond the Cape of Good Hope, or Cape Horn, before 1 Sept. 1842—laws applicable thereto

§ 25. *And be further enacted*, That nothing in this act contained shall apply to goods shipped in a vessel bound to any port of the United States, actually having left her last port of lading eastward of the Cape of Good Hope or beyond Cape Horn prior to the first day of September, eighteen hundred and forty-two;

and all legal provisions and regulations existing immediately before the thirtieth day of June, eighteen hundred and forty-two, shall be applied to importations which may be made in vessels which have left such last port of lading eastward of the Cape of Good Hope or beyond Cape Horn prior to said first day of September, eighteen hundred and forty-two.

§ 26. *And be it further enacted*, That the laws existing on the first day of June eighteen hundred and forty-two, shall extend to and be in force for the collection of the duties imposed by this act on goods, wares, and merchandise, imported into the United States, and for the recovery, collection, distribution and remission of all fines, penalties, and forfeitures, and for the allowance of the drawbacks by this act authorized, as fully and effectually as if every regulation, restriction, penalty, forfeiture, provision, clause, matter, and thing, in the said laws contained, had been inserted in and re-enacted by this act. And that all provisions of any former law inconsistent with this act, shall be, and the same are hereby, repealed.

Laws existing on 1 June, 1842, in force for certain purposes.

Laws inconsistent herewith repealed.

§ 27. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, annually, to ascertain whether, for the year ending on the thirtieth of June, next preceding, the duty on any articles has exceeded thirty-five per centum ad valorem on the average wholesale market value of such articles, in the several ports of the United States for the preceding year; and, if so, he shall report a tabular statement of such articles and excess of duty to Congress, at the commencement of the next annual session thereof, with such observations and recommendations as he may deem necessary for the improvement of the revenue.

Secretary of the Treasury to ascertain whether the duty on any article has exceeded 35 per cent., and report to Congress.

§ 28. *And be it further enacted*, That the importation of all indecent and obscene prints, paintings, lithographs, engravings, and transparencies, is hereby prohibited; and no invoice or package whatever, or any part thereof, shall be admitted to entry, in which any such articles are contained; and all invoices and packages whereof any such articles shall compose a part, are hereby declared to be liable to be proceeded against, seized, and forfeited, by due course of law, and the said articles shall be forthwith destroyed.

Indecent prints and paintings prohibited.

§ 29. *And be it further enacted*, That, wherever the word "ton" is used in this act, in reference to weight, it shall be deemed and taken to be twenty hundred weight, each hundred weight being one hundred and twelve pounds avoirdupois.

Weight of the ton.

§ 30. *And be it further enacted*, That so long as the distribution of the nett proceeds of the sales of the public lands, directed to be made among the several States, Territories, and District of Columbia, by the act entitled "An act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights," shall be and remain suspended by virtue of this act, and of the proviso of the sixth section of the act aforesaid, the ten per centum of the said proceeds directed to be paid by the

Ten per cent. of the proceeds of the public lands, allowed to certain States, suspended.

said act to the several States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas, and Michigan, shall also, be and remain suspended. *Approved, August 30th, 1842.*

CHAP. 296. An act to establish an additional land office in Florida.

Alachua land district established.

Land office at Newnansville.

Register and receiver to be appointed.

The lands subject to sale.

§ 1. *Be it enacted, &c.,* That so much of the public lands of the United States in the Territory of Florida, as lies east of Suwannee river, and west of the line dividing ranges twenty-four and twenty-five, except that lying east of St. Mary's river, north of the basis parallel, shall form a new land district, to be called the Alchua land district; and, for the sale of the public lands within the district aforesaid there shall be a land office established in the town of Newnansville, in the county of Alachua in the Territory aforesaid.

§ 2. *And be it further enacted,* That there shall be a register and receiver appointed to said office, to superintend the sale of the public land in said district, who shall reside at the town of Newnansville aforesaid, give security in the same manner and sums, and whose compensation, emoluments, duties, and authorities, shall, in every respect, be the same, in relation to lands to be disposed of at said office, as are or may be by law provided in relation to the registers and receivers of public money in the several offices established for the sale of the public lands.

§ 3. *And be it further enacted,* That all such public lands, embraced within the district created by this act, which shall have been offered for sale to the highest bidder at any land office in said Territory, pursuant to any proclamation of the President of the United States, and which lands remain unsold at the taking effect of this act, shall be subject to be entered and sold at private sale by the proper officers of the office hereby created, in the same manner, and subject to the same terms, and upon like conditions, as the sale of said land would have been subject to in the said several land offices hereinbefore mentioned, had they remained attached to the same. *Approved, August 30th, 1842.*

CHAP. 299. An act establishing certain post roads.

Post roads established in

Maine.

§ 1. *Be it enacted, &c.,* That the following be established as post roads, viz :

IN MAINE.

From Milford, in the county of Penobscot, to Winslow's Mills, in Greenfield, and county of Hancock.

From Machias, by Crawford, to Alexander.

From Houlton, in the county of Aroostook, to Fort Fairfield, in the plantation of Presqu'isle.

From Dennysville, in the county of Washington, by way of Edmunds, to Whiting.

From Sedgwick to Swan's Island Plantations.

From Standish, in the county of Cumberland, to Saco, in the county of York.

From Lovel to Usher.

From Fish's Mills, by the town of Massardis, in the county of Aroostook, to the mouth of Fish River.

From Bowdoinham Village to Bowdoin Centre.

From Bath, by way of Merrymeting Bride and Richmond Village, to Gardiner.

IN NEW HAMPSHIRE.

New Hamp-
shire.

From Gilsum, via South Marlow, North Marlow, and Lempster to Goshen.

From Manchester, via Candia Township, to Candia.

From Manchester, via Bedford Centre, to Amherst;

From Northfield, via Franklin, Andover, Wilmut, New London and Wendell, to Newport.

From Farmington, via New Durham Corner, to Alton.

From Haverhill, New Hampshire, via Benton to Franconia.

IN MASSACHUSETTS.

Massachusetts.

From Framingham, through Concord, to Lowell.

From South Framingham to Holliston.

From Westport to Westport Point.

From West Brookfield, North Brookfield, New Braintree, Barre, and Templeton, to Winchenden.

From Lee, Tyringham, South Tyringham, Hartsville, Mill River, through East Sheffield, to Canaan, Connecticut.

IN RHODE ISLAND.

Rhode Island.

From Providence to West Brookfield, Massachusetts.

From Providence through Fruit Hill, to Centreville.

IN VERMONT.

Vermont.

From Townsend, through Grafton, to Chester.

From Rochester through Brandon, to Shole's Landing, on Lake Champlain.

From East Charleston, through Morgan, and Holland, to Derby.

From Bellows Falls to Paper Mill Village, in Alstead.

From Hyde Park, Lamoille Court-house, through North Hyde Park, Belvidere Four Corners, Avery's Gore, and Montgomery, to East Berkshire.

The route from Waterville, through Belvidere and Avery's Gore, is hereby discontinued.

IN NEW YORK.

New York

From Durhamville, along the line of the Erie Canal, to the intersection of the Erie and Oneida Lake canals, in Oneida county.

From Unionville, in Orange county, New York, to Deckertown, in Sussex county, New Jersey, by the Drowned Road, returning by the Clove Road.

From Texas to Oswego, on the North Road, by Cheever's Mills, in Oswego county.

From Collins to Irwin, in Erie county.

From Cassville to Babcock Hill, in the county of Oneida.

From Westernville to Boonville, as near as may be on the route of the Black River canal, in Oneida county.

From Rome to Clinton, in Oneida county.

From Warsaw, in Wyoming county, by Silver Lake and Castile, to Portageville, in the county of Alleghany.

From Attica, by Varysburg, Johnsonburg, North Java, and East Java, to China, in Wyoming county.

From Cortlandville to Marathon, in the county of Cortlandt.

From Elmira, by way of Baldwin's Creek, Jerusalem Settlement, through the south part of Erie, to Van Ettersville, in the county of Chemung.

From the Manlius Depot, on the Syracuse Railroad, to the village of Mathew's Mills, in the county of Onondaga.

From North Adams, through Field's Settlement, to Watertown, in the county of Jefferson.

New Jersey.

IN NEW JERSEY.

From New Hampton, in Hunterdon county, by Whitehall and German Valley, to Schooley's Mountain, in Morris county.

From Plainfield, in Essex county, to Millington, in Somerset county.

Pennsylvania.

IN PENNSYLVANIA.

From Reedsburg to Clarion, county of Clarion.

From Red Bank to Clarion, via Limestone, in Clarion county.

From Tionesta to Plumer, in Venango county, via the residence of John Henry, on Alleghany river.

From Perry to Tionesta, Venango county.

From Georgetown, Mercer county, to Evansburg, Crawford county, via John Custard's.

From Connellsville, Fayette county, through Salt Lick Township, to Gebhart's Post Office Somerset county.

From Shilocka, Indiana county, via Plum Creek and Smicksburg, to Clarion, Clarion county.

From Williamsport to Carter-house, Lycoming county.

From Stroudsburg, Monroe county, to Bushkill, Pike county, via Spring Mills.

From Honesdale, via Prompton, to Pleasant Mount, Wayne county.

Continuation of route from Pittsburg to Brallsville, in Washington county, from Brallsville, via Millsbrough and Clarksville to Jefferson, in Greene county.

From Whitehaven, via Port Jenkins, Phillipsburg, to Beaumont, Luzerne county.

From Kittaning, Armstrong, county, to Red Bank, by way of the new State road from Kittaning to Brookville.

From Eagle Factory, Susquehanna county, to Baffington Post Office, Bradford county.

From Merryall, Bradford county, Pennsylvania via Orwell to Owego, New York.

From Shilocta, via Perriesville, Jacksonville, and Lewisville, to Blairsville, Indiana county.

From Sheekshinny, via Townhill and Columbus, to Cambria, Luzerne county.

From Indiana, via Mechanicsburg and Armah, to Johnstown, Cambria county.

From Dunningville on the Washington and Williamsport Turnpike, Washington county, Pennsylvania, via Munntown, and Thompsonville, to Harriottville on the Washington and Pittsburg Turnpike road in Alleghany county.

From Hamburg via Kutztown, Freedomsburg to Blackhorse Tavern in Berks county.

From Waynesburg in Green county Pennsylvania, to Blacks-ville in Virginia by way of Rogersville and Centreville.

IN MARYLAND.

Maryland.

From Sang Run, Alleghany county, to Yough Glade.

From Millersville, Anne Arundel county, to Marley.

From Princess Anne, Maryland, to Roache's Store, Somerset county, Maryland.

IN VIRGINIA.

Virginia.

From Old Church, in Hanover county, via Piping Tree Ferry and King William Court-House, to Lanesville.

From Sharon, in Wythe county, to Chapel Hill, in Smyth county.

From Holstein, in Washington county, to Estillville, in Scott county.

From Alexandria, in the District of Columbia, to High Schools and Seminary, in Fairfax county, Virginia.

From Guyandotte, via Wayne Court-house, to Louisa, in Kentucky.

From Weston to the Northwestern Turnpike, on Middle Island.

From Christiansburgh, in Montgomery county, to Hillsville, in Carroll county.

From Morgantown, via Grandville, Charmichaeltown, Gingerhill, and Findlaysville, to Pittsburg, in Pennsylvania.

From Brandonville, in Preston, via Morgantown, Grandville, Jacksonville, and Blucksville and Wheeling creek, to Wheeling, in Ohio county.

From Elizabethtown in Marshall county, via Nobb Fork, to Middlebourne, in Tyler county.

From Middlebourne, in Tyler county, to the house of Mr. Hoskins, on the Northwestern Turnpike.

From Wheeling, via Beeler's Station, Sockman's, Fish Creek, to Woodland's Post Office, in Marshall county.

From Hansonville, via Moccasin Creek, to Quillensville, in Scott county.

From Newbern, in Pulaski county, via Back Road, to Wytheville.

From Lynchburg to Logwoods Store, in Bedford county, by way of Cheese Creek Church.

From Bickley's Mills, in Russell county, via Guest's Station, the Pound, and Three Forks of Powell's river, to Turkey Cove, in the county of Lee.

From Jarrott's Depot, in Sussex county to Pleasant Grove.

From the Blue Sulphur Springs, via Palestine and Egypt, to the Red Sulphur Springs.

From Lynchburg, to Pedlar Mills in Amherst county.

From Fincastle, via Jeffersonville, to Cumberland Gap.

North Carolina.

IN NORTH CAROLINA.

From Turkey Creek, and Spring Creek, in Buncombe county by Fines Creek and Crabtree in Haywood county to Waynesville.

From Aqualla on Shoal Creek in Haywood county, by William F. McKees, in Macon county to Jamesville in Cherokee county.

From Shelby, in North Carolina, to Yorkville, in South Carolina.

From Shelby to South Point in Lincoln county.

From South Washington by the house of Isham Armstrong to Wilmington.

From Jefferson, in North Carolina, to Marion, in Virginia.

From Roxborough to Pleasant Hill.

From Lexington, via Thompson's Store, to the House of Smith and Barringer, upon the Yadkin river.

Either from Gravelly Hill or Elizabethtown to the house of Robert Melvin, on Turnbull Creek, in Bladen county.

From Ashville, via Pigeon river to Waynesville.

From Wilkesboro' by way of "Deep Gap," to Counsels Store, in Ash county.

From Greenville in Pitt county via Snowhill in Greene county Goldsborough.

From Lewisburg to Cooley's Store in Franklin county.

From Hillsboroug by Rock Creek and Long's Mills, to Ashborough.

South Carolina.

IN SOUTH CAROLINA.

From Aikin to Treadway's Bridge, in Barnwell district.

From Traveller's Rest to Pumpkintown, in Pickens district.

From Conwayborough, in Horry district, South Carolina, to Fairbluff, Columbus county, North Carolina.

From Winsborough, by Grayden's, to Rocky Mount.

From Lincolnton, North Carolina, by Long Creek Shoals, Falls, Crowder's Creek, to Yorkville, South Carolina.

From Hurricane, Spartanburg, to Hancockville, in Union district

From Crowder's Creek, North Carolina, by way of Bethel, to Yorkville, South Carolina.

From Greenville Court-house, by Miller's, Brockman's, Cashville, to Woodruff's, and from Woodruff's, by Van Patten's, William Goldsmith, jr.'s, and Dr. Austin's, to Greenville.

From Charleston via Adams' River and Ashepoo Ferry, to Savannah.

From Adams' Run to Edisto Island.

From Marion Court-house, via Brittons Neck, to Conwayborough.

IN GEORGIA.

Georgia.

From Cassville, by way of Etowah Valley, to Van Wert.

From Newnan, by way of Orr's Stand, to Franklin, in Heard county.

From Jacksonville, Alabama, by way of Jefferson, Alabama, Summerville, in Chatooga county, Georgia, Chestnut, Flat Post Office, Wood's Station Post Office, by Cross Roads, in Walker county, Georgia, Grape Spring Post Office, Hamilton county, Tennessee, to Cleveland, in Bradley county, Tennessee.

From Forsyth by way of Putnam's Old Stand Store, Pine Flat, William Disnruke's, Pike county, Pleasant Grove, Bear Creek, and Fosterville, Henry county, to Whitehall, De Kalb county.

From Covington to Oxford.

From Hermitage, Georgia, and Harden's Mills, to Mineral Springs.

From Sandersville to John Ivey's, Buffalo, Washington county.

From Lanier, by Tazewell, to Lumpkin.

From Albany, by way of Cuthbert, to Irwinton, Alabama.

From New Echota, Cass county, by way of the railroad bridge, on the Osteenauilla river, through the valley of Armuchee, Lafayette, Walker county, to the Court-house, Dade county.

From Macon, by way of Perry, Traveller's Rest, Americus, Starkville, Albany, and Newton, to Bainbridge; and that the present route from Henderson, in Houston county, to Bainbridge be discontinued.

From Albany to Thomasville.

From Troupville to the Suwannee Springs, in Columbia county, Florida.

From Waresborough to Mount Pleasant, Ware county.

From Lafayette, in Walker county, to the Court-house in Dade county.

From Spring Place, Georgia, Cross Plains, Buzzard's Roost, Medicinal Springs, Chestnut Flat, Lafayette, Summerville, Hopkingsville, and Cedar Bluff, to Jacksonville, Alabama.

From Franklin, Georgia, Houston, Wadka, Standing Rock, and Fredonia, to Chambers Court-house, Chambers county, Alabama.

From Americus, by way of Lumpkin, Irwinton, Alabama, Clayton, Montevallo, Montezuma, Covington, Carington, and Fort Crawford, to Blakely, Alabama.

From Irwinville, by way of John Henderson's and Mrs. Parish's, to Troupville Lowndes county.

From Jacksonville, Telfair county, by way of Irwinville, to Albany.

From Griffin, in Pike county, by way of Fayetteville and Campbellton, to Marietta, in Cobb county.

From Americus to Cuthbert, Georgia.

Alabama.

IN ALABAMA.

From Ashville, by Holloway's Bridge, in St. Clair county, to Jefferson, Alabama.

From Lebanon, De Kalb, Alabama, to intersect the line from Rome, Georgia, to Elyton, Alabama, at Holloway's Bridge.

From Louisville, by Trenton, Larkinsville, and Berryville, to Bellefonte.

From Thorn Hill, in Walker county, by way of William Johnson's, Pikeville, and Millville, to Cotton Gin Port, Monroe county, Mississippi.

From Pikeville, Alabama, to Fulton, Mississippi.

From Russellville, Alabama, to Jacinto, Mississippi.

From Mobile, by way of Jackson, on the Tombecbee river, Grove Hill, Mott's post office, in Clarke county, Woodwardville, Shiloh, Linden and Demopolis in Marengo county, thence by way of Erie in Greene county, to Carthage, in Tuscaloosa county.

From Milford, in Butler county, by Merrill's store, to Montezuma, in Covington county.

From Hope post office, Pickens county, Alabama, by the way of Fairfield, to Macon, in Noxubee county, Mississippi.

From Gainesville, Alabama, Wahalak, Kemper county, Mississippi, to Macon, Mississippi.

From Irwinton, by way of Jenkins's, Midway post office, and William Dick's to Cubahachee, in Macon county.

From Gainesville, in the State of Alabama, by the way of De Kalb, to Jackson in the State of Mississippi.

From Black's Bluff, in Sumpter county, to Tuscahoma, in Washington county.

From Columbia, Henry county, by way of Woodville, Neel's Landing, Florida, Cedar Bluff, to Marianna Florida.

From Centreport, in Dallas county, to Greenville, in Butler county.

From Barboursville, in Wilcox, by way of Beaver creek and Dixon's Mills, to Nanafalia, in Marengo county.

From Bellefonte, by way of Larkinsville and Trenton, to Louisville, Alabama. And that the routes from Larkin's fork, by way of Larkinsville, Trenton, and Sangston, to Marshall, and from Larkinsville to Woodville, be discontinued.

From Montgomery to Troy in Pike county, and from thence to Dixon precinct and Scroggin's mill to the Court-house of Dale county.

From Suggsville in Clarke county to Mount Pleasant, in Monroe county.

From Cahaba, Dallas county, by Hannell's Cross roads to Marion in Perry county.

From Marion by Union Tavern to Prairieville.

From Tuskegee via Valverde, Union Springs, Aberfoil to Troy, in Pike county.

IN MISSISSIPPI.

Mississippi.

From Charleston, in Tallahatchee county, via Lincopolis, Big Prairie, in the County of Coahoma, Port Royal, to the town of Delta, Mississippi.

From Grenada, Yallabusha county, to the house of William Denly, in said county.

From Coffeeville, in Yallabusha county, to Houston in Chickasaw county, Mississippi.

From Victoria to Coffeeville, Mississippi.

From Eastport to Jacinto, Mississippi.

IN LOUISIANA.

Louisiana.

From Vicksburg, Mississippi, via Richmond, Hill's Ferry, on Bayou Macon, Mackey's, and McCloud's, on Deer creek, Norris, Sicily Island, to Harrisonburg, Louisiana.

From the mouth of Red river, via Richard's Miller's, Vidalia, Water Proof Landing, and Lake St. Joseph, to New Carthage.

From Greenwood to Vernon in Caddo.

From New Orleans, to Madisonville and Covington to the parish of St. Tammany, Via Lake Ponchartrain.

IN TENNESSEE.

Tennessee.

From Jackshorough, Tennessee, via John L. Smith's, on the Straight Fork, and Thomas I. Wheeler's Store, on Buffalo creek, to Monticello, Kentucky.

From Cleveland, Tennessee, via Benton, Columbus, Springtown, Coker creek, and Turtleton, to Murphy, North Carolina.

From Dyersburg, Tennessee, via George C. Boothe's and Joseph Mitchell's, to Hale's Point, on the bank of the Mississippi river.

From Lancaster, by the house of Elisha New, to Smithville.

From Clinton to Woodbourne, via A. Moore's and J. Bayliss.

From Rutledge to Newport, via, Austin's ferry, Mossy creek and mouth of Chucky.

From Troy, Tennessee, via Joseph A. Faulk's, (his place being known by the name of Silvan Retreat,) to Point Pleasant, Missouri, crossing the Mississippi river at or near said last mentioned point.

From Greenville, Tennessee to Newport, Cocke County, via Wood's ferry and Parrottsville.

From McMinnsville, Tennessee, to Smithville, Tennessee.

IN KENTUCKY.

Kentucky.

From Harlan Court-house, via John Lewis's residence, on the

Poor fork of the [Cumberland river, and Brashear's Salt Works, on the north fork of the Kentucky river, to Perry Court-house.

From Breathitt Court-house to Manchester, in Clay County.

From Shelbyville, via Floyd'sburg, to Brownsborough.

From Munfordville, via Mammoth Cave to Brownville.

From the Three Forks, in Barren county, via Mammoth Cave, Grayson Springs, to Litchfield.

From Hawesville, in Hancock county, to Lewisport.

From Owensborough to Litchfield.

From Nottsville to New Boston, in Daviess county.

From Lock and Dam on Green river, at the mouth of Muddy river, via Lock and Dam at Rumsey, Lock and Dam at Spottsville, to the town of Henderson.

From Owenborough to Spottsville.

From Spottsville, Kentucky, via the mouth of Green river, to Evansville, Indiana.

From the town of Henderson in Henderson county, Kentucky, by Harman's Ferry, and by Wall's store, in Daviess county, to the town of Rumsey, in Muhlenberg county, Kentucky.

From Hopkinsville Kentucky, via Lindsey's Mill to Dover Tennessee.

From Jamestown, Kentucky, via Seventy-six, to Albany, Kentucky.

From Hardensville, Kentucky, by Harrisonville to Mount Eden.

From Taylorsville, by McGee's Mill, to Jeffersontown, in Jefferson county.

Ohio.

IN OHIO.

From New Bremen, via Chickasaw, Mercer county, to Recovery, in Dark county.

From Findley, in Hancock county, via Gilboa and Ottoway, to Defiance, in Williams county.

From St. Mary's, via Celina, Montpelier, and Alexander, to Blufton, Indiana.

From Dayton, via Chambersburg, Vandalia, and Fredericktown, to Troy.

From Vanwert to Shane's Crossing.

From Charloe, via Westburg, Uniontown Centre, to Bryan.

From Adelphi, Ross county, via Perry to Logan.

From Zanesville, via Baxter's Bealmer's Cross Roads, to Frazeysburg.

From Zanesville, via Salt Creek, to Cumberland, thence return to Salt Creek and Zanesville, via Calhoun's Mills.

From Lafayette, via Camden, to Hillsdale, in Michigan.

From Providence, via Delta, Pareper's Corner, Lyon's, and Baker, to Adrian, in Michigan.

From Hillsborough, via Allensburg, to Fayetteville.

From Delaware, via Kilbourne, Post Office, Newman's Cross Roads, Bloomfield Post Office, to Liberty in Knox county.

From Athens, in Athens county, by way of William Lowey's to Adelphi, in Ross county.

From Bartlett in Washington county, by Hosea Alderman's in Athens county, Absalom Joy's in Morgan county, to Hansby's Cross Roads, in Perry county.

From Marion, in Marion county, via Holmesville, in Bowling Green township, to Richwood in Union county.

From Delaware, via Richwood, Wilkins and Mill Creek to East Liberty in Logan county.

From West Liberty, via Middleburg to Quincy, in Logan county.

From Urbanna, via Middletown, and Lewisburg to Cobert's in Union county.

From Zanesville by the Ridge Road to Marietta to the point where said road intersects the river road.

IN INDIANA.

Indiana.

From Middletown, via Tomlinson's Mill, Muncietown, Albany to Camden.

From Muncietown, via Greenville, Hartford, Montpelier, to Bluffton.

From Deerfield, via Ridgeville, Fairview, Albany, Greenville, to Wheeling.

From New Rochester, Ohio, via Richville, to Newville, Indiana, thence, via Auburn, Asa Brown's, Augusta, Sparta, Leesburg, to the post route from Lima to Peru.

From Fort Wayne, via Columbia, Oswego, Leesburg, to Plymouth.

From Valparaiso, via Elder French's, Isaac Cornell's Thomas Dinwiddie's, Pleasant Grove, to West Creek Post Office.

From Washington, Daviess county, via Edwardsport, to Carlisle, in Sullivan county.

From Washington, Daviess county, to Bedford, in Lawrence county.

From Augusta via Northport, Wolcott's Mills, White's corners, Bloomfield, Ontario, to Lima.

From Terre Haute, in the county of Vigo, via Samuel Young's Urbanna, and Lewis, in said county, to Linton, in Green county.

From Terre Haute, via Ephraim Kester's, in Vigo county, Williamsburg, Sullivan, to Carlisle in the county of Sullivan.

From Carlisle in Sullivan county, via Pleasant, M. O. Haver's, Aaron Hagerman's, Bogardsville, and Scotland, in Green county to Springville, in Lawrence county.

From Warsaw, in Kosciusko county, to Plymouth, Marshall county.

From Delphi, in Carroll county, via Camden, Fisher's Mills, and Bridge's Blacksmith shop, to Coshows on the Michigan road.

From Crawfordsville, by Sugar Grove and Old Shawnee village, to Shawnee Post Office.

Illinois.

IN ILLINOIS.

From Springfield, Illinois, to Carrollton, via Lick Creek.

From Dixon, Sterling, Union Grove, Fulton City, Lyons, Independent Grove, in the county of Clinton, via Washington Ferry, in Cedar county, Iowa Territory, to Iowa city in said Territory.

From Knoxville, Illinois, to Millersburg, Mercer county, thence to Bloomington in the Territory of Iowa.

From Jacksonville to Pekin, via Princeton, Chandler's Bath, and Havana.

From Southport, Illinois to Beloit, Wisconsin.

From Juliet, Will county, to Dundee, in Kane county, Illinois.

From Ottawa, Illinois, to Wilmington.

From Hillsborough, in Montgomery county, by Audubon, to Shelbyville, in Shelby county.

From Vienna, by Halderman and Caledonia, to Cairo.

From Belleville, by Centreville, to Waterloo.

From Edwardsville, by Helvetia, to Shoal Creek.

From Jerseyville to Gilead.

From Chester, by Hobb's Ridge and Georgetown, to Sparta, and from Pinkneyville, to Brownsville, Illinois.

From Waterloo, by James's Mill, to Harrisonville.

Missouri.

IN MISSOURI.

From Marshall, Saline county, via Greenville and Miami Post Office, to Carrollton.

From Caledonia, Washington county, to Van Buren, in Ripley county, via the seat of justice of Shannon county.

From Van Buren, Ripley county, Missouri, via Alfred Deatherade's and John Shield's to Little Piney Post Office.

From Merrimac Iron Works, Crawford county, via Burdine's on Bryant's Fork, Grigsby, on Little North Fork of White river, to Forsyth, Taney county.

From Paris, Monroe county, via Bloomington, and Centreville, to the seat of justice of Adair county.

From Carrollton, via Chillicothe and Trenton, in Grundy county, to Union Mills, in said county.

From Marshall, via Salt Pond and Johnson's Grove, to Lexington.

From Eleven Points, Ripley county, via Green B. Hesterley's, to Jackson, in Arkansas.

From Thorp's Mill, Holt county, via John Blair's Daniel Dearborn's and Roundtree's, to Sonora, on the Missouri river.

From Plattsburg, via Boyer's settlement, Third Fork of Platte river, and Rochester, on the main Platte river, to Savannah.

From Platte city, via the county seats of Buchanan and Andrew counties, to the county seat of Holt county.

From Bluff Grove, Grundy county, to William Miller's on Grand river.

From Brunswick, Chariton county, to Chillicothe.

From Rockland Mills, Saline county, to Longwood, Pettis county.

From Richmond, in Ray county, to Sparty, in Buchanan county.

From Springfield, via Robert Patterson's, in Greene county, and Jeremiah Parson's, Isham P. Pool's, and Henry S. Ormsby's, in Pulaski county, to Caledonia, in Washington county.

From Bolivar, via William Snowden's, to Sarcoxie, in Newton county.

From Herman, on the Missouri river, via Heath's store, near the mouth of Gasconade river to Lisletown, in Osage county.

From Chillicothe to Bluff Grove.

From Tuscumbia, via the mouth of Nianga river, to Bolivar.

From the town of New Madrid to Smith's Landing on the Mississippi river.

From Paris, via Woodville, to Bloomington.

From Eleven Points to Ozark, in Ozark county.

From Cave Spring, Pulaski county, via Hartsville, in Wright county, and Ozark Court-house, to Forsyth in Taney county.

From Lisletown to Westphalia.

From Springfield, Green county, to Harmony Mission, Bates county.

From Grovoise Kinderhook county, by Oregon, Bensborough, and Oakland to Hartsville in the county of Wright.

From Springfield, by Greenfield to county seat of Jasper county.

From Brunswick in Chariton county, to Union Mills in Grundy county.

From Farmington by Bonaparte and Keosauqua, Iowa Territory, to Iowaville.

From Breesville, Illinois, via Wittenburg, to Apple Creek post office, Cape Girardeau county.

From West Prairie to Grand Prairie, in Stoddard county.

From Elkhorn post office, Ray county, to Plattsburg, Clinton county.

IN ARKANSAS.

From Antoine, in Clark county, to Ultima Thule, in Sevier county on the Fort Townson road.

From Fayetteville, Washington county, by way of Stout's Mill's Onstol's Mill's, and the head of Cove creek, to Natural Dam, in Crawford county.

From the town of Elizabeth, in Jackson county, to Pocahontas, in Randolph county.

From Cinton, in Van Buren county, to Yellville, in Marion county through Lebanon, in Searcy county.

From Whittington Hot Spring county via Aiken's store and Duston's Mill, to Mount Ida, intersecting the mail route from Scott Court-house, to Washington, in Hempstead county, at that place.

Arkansas.

From Columbia Chicot county, by way of Bayou Boeuf to Monroe, in Louisiana.

From Jackson, in Lawrence county, in Arkansas, by way of Williams', on Strawberry river, to Izard court-house.

IN MICHIGAN.

Michigan.

From Middleville, in Barry county, via Gun Lake, Martin and Watson, to Allegan.

From Grand Rapides, via Lake Alone, to Middleville.

From the village of Charlotte, via the village of Vermontville, to intersect the route from the Grand Rapides, to Hastings.

From Bellevue, via Oneida post office, to Grand River city.

From Owasco, via Duplane, Bingham, Bengal, and Lebanon, to Lyons.

From Quincy, on the Indiana and Marshall State road, to Brockville, Indiana.

From Saginaw city to Lower Saginaw.

From Blissfield, through Ogden to Fairfield post office.

From Kalamazoo, via Brady's post office, Vicker's mill, Centreville, and Sherman village, to Lima, Indiana.

From Lakeville by Oxford, Brandon, and Eagle Lake, to Groveland.

From the village of Battle Creek, in Calhoun county, to Hastings, the county site of Barry county.

From Whitmansville, via Charleston, to Lafayette.

From Belvidere to Mount Clemens.

From Belvidere to Detroit.

From the village of Marshall, in Calhoun county, through Verona, to Hastings.

From the village of Marshall, in Calhoun county, Michigan, via Trecousha, to Girard Branch court-house.

From Granville to Port Sheldon, in Ottawa county.

From Logansport to White Pigeon, via Leesburg, Milford, Goshen, and Middleburg.

From Flint, in Genesee county, via Bearsleyville and Richmond, to Lapier.

From Cassopolis, through Whitmansville, to Keelersville.

From Monroe, Ypsilanti, by Stony Creek, Exeter, Huron, and Roson's mill.

From Flat Rock, in the township of Brownstown, to the village of Gibraltar.

From Lapier to Grand Blanc, by Langdon and Mount Pleasant.

From Mason, in Ingham county, to Jackson, in Jackson county.

From Grand Rapides, county of Kemp, by Allan's corners, Lake Alone, Barnes's mill, and Green Plains to Kalamazoo.

IN WISCONSAN.

Wisconsin.

From Patch Grove, in Grant county, to Blue river.

From Fort Winnebago, via Grand Rapides, to Plover Portage.

From Delavan, by Darien, to Beloit.

From Fort Atkinson, by Cold Spring and White Water, to Elkhorn.

From Summit, in Milwaukee county via Piperville and Watertown, to Washara, (or Fox Lake.)

From Southport, via Aurora post office, to Burlington.

From Madison, by Monroe, to Freeport, Illinois.

From Milwaukee, via Muskego, Rochester and Burlington, to Geneva.

IN IOWA.

Iowa.

From Dubuque to the county seat of Delaware county.

From Dubuque via the county seat of Jones county and Rochester, (on the Red Cedar,) to West Liberty.

From Dubuque, via Richfield, Point Pleasant, and Davenport, to Stephenson, Illinois.

From Davenport, via Centreville and Moscow, to Rochester, (on the Red Cedar.)

From Fort Madison, via West Point and Tuscarora, to Bentonport.

From New Boston, Illinois, via Black Hawk and Wappello, to Mount Pleasant.

From Fort Madison to Carthage.

From Bloomington, via Cedarville, and West Liberty, to Napoleon.

From Wapesequinicon to Bellevue, to be changed so as to run from Wapesequinicon, via Camanche, New York, Lyons, and Charleston, to Bellevue.

From Burlington, via Ellison's creek, St. Augustine, and Middle Grove, to Peoria.

From Van Buren, Iowa Territory, via Fairfield court-house and Washington court-house, to Iowa city.

From Wappello, via Cattesse and Sissinamo to Napoleon.

From Burlington, via Dodgeville, Virginia Grove, Hope Farm, Columbus city, Port Allen, and Iowa city.

From Iowa city, via Richmond, Washington, Brighton, Pleasant Grove, Fairfield, and Keosauqua, Iowa Territory, to Waterloo, Missouri.

From Davenport, via Joseph Denson's, in Cedar county, Seely's mills, and Paumacho, to Marion.

From Savannah, Illinois, via Charleston, Goodenoe's mills, Burrison's Settlement, Edinburgh, Tipton, and Washington ferry, to Iowa city.

From Keokuck, via Ambrosia, Franklin, West Point, McCarverstown, Mount Pleasant, Trenton, and Washington, to Iowa city.

From Keosauqua, on the county road, via Ely's Ford, to B.F. Wilson's, in Van Buren county.

From Keosauqua, via Washington and Salem, in Henry county, to Mount Pleasant.

From Iowa city, via Westport, Marion and the county seat of Delaware county, to Prairie du Chien, Wisconsin Territory.

From Marion to Pleasantville.

From Fort Madison, via West Point and Salem, to Fairfield.

From Fort Madison, via Franklin, to Farmington.

From Prairie La Porte, Iowa Territory, to Prairie du Chien, Wisconsin Territory, via Montholon, in Clayton county, Iowa Territory.

From Farmington, Bonaparte, Van Buren, Pittsburg, Philadelphia, Portland, and Iowaville, to the United States Indian Agency, on the Des Moines river.

To go into operation, when. § 2. *And be it further enacted*, That the above routes shall go into operation on the first day of July eighteen hundred and forty-three, or sooner, should the funds of the Department, justify the same: *Provided*, That as soon as a responsible contractor shall offer to transport the mails over any portion of the above routes for the revenue derived from the new offices to be established thereon, until the first day of July eighteen hundred and forty-three, the Postmaster General shall forthwith put them into operation.

Proviso. *Approved, August 31st, 1842.*

CHAP. 300.—An act making appropriations to carry into effect a treaty with the Wyandott Indians, and for other purposes.

\$55,000 appropriated to carry the treaty into effect. § 1. *Be it enacted, &c.*, That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for carrying into effect the treaty with the Wyandott Indians, dated March seventeen, eighteen hundred and forty-two, and ratified by the Senate on the seventeenth of August, eighteen hundred and forty-two, with amendments, the sum of fifty-five thousand six hundred and sixty dollars: *Provided*, That no part of this appropriation shall be expended until the assent of said tribe is duly and formally given to said amendments. To make good the interest on investments and State stocks, and bonds for Indian tribes not yet paid by the States, to be reimbursed out of the interest when collected, fifteen thousand six hundred dollars and ninety-two cents.

Proviso: not to be expended until when.

Interest on state stocks, &c to be made good.

Additional appropriation of \$100,000 for the expenses of the Judiciary. For defraying expenses of the Supreme, Circuit, and District Courts of the United States, including the District of Columbia, also for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures incurred in eighteen hundred and forty-two and preceding years, and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offences committed against the United States, and for the safe keeping of prisoners, in addition to former appropriations, one hundred thousand dollars.

Approved, August 31st, 1842.

CHAP. 301.—An act concerning professors of mathematics in the navy of the United States.

§ 1. *Be it enacted, &c.*, That professors of mathematics in

the navy of the United States shall be entitled to live and mess with the lieutenants of sea-going and receiving vessels, and shall receive such rations as lieutenants of the same ship or station shall receive.

Entitled to mess with lieutenants, and receive rations as such.

Approved, August 31st, 1842.

CHAP. 302.—An act to authorize the construction of a depot for charts and instruments of the navy of the United States.

§ 1. *Be it enacted, &c.,* That the Secretary of the Navy be, and he is hereby authorized to contract for the building of a suitable house for a depot of charts and instruments of the navy of the United States, on a plan not exceeding in cost the sum of twenty-five thousand dollars.

Secretary of the Navy to contract therefor.

Cost limited to \$25,000.

§ 2. *And be it further enacted,* That the sum of ten thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, towards carrying this law into effect.

\$10,000 appropriated.

§ 3. *And be it further enacted,* That the said establishment may be located on any portion of the public land in the District of Columbia which the President of the United States may deem suited to the purpose.

Location.

Approved, August 31st, 1842.

CHAP. 304.—An act to regulate the appointment and pay of engineers in the navy of the United States.

§ 1. *Be it enacted, &c.,* That the Secretary of the Navy shall appoint the requisite number of chief engineers and assistant engineers, not to exceed one chief engineer, two first assistant, two second assistant and three third assistant engineers for each steam ship of war, for the naval service of the United States, who shall be paid when in actual service as follows:

Engineers to be appointed by the Secretary of the Navy.
Number allowed,

To the chief engineer, fifteen hundred dollars per annum and one ration per day; to the first assistant engineer, nine hundred dollars per annum and one ration per day; to the second assistant engineer, seven hundred dollars per annum and one ration per day; to the third assistant engineer, five hundred dollars per annum and one ration per day; the chief engineer shall be entitled to mess in the ward room of ships of war, and in all cases of prize money he shall share as a lieutenant; the first assistant engineer shall share as a lieutenant of marines; the second assistant engineer shall share as a midshipman; the third assistant engineer shall share as the forward officers; but neither the chief nor assistant engineers, shall hold any other rank than as engineers.

Pay in service, &c.

§ 2. *And be it further enacted,* That the Secretary of the Navy shall be authorized to enlist and employ the requisite number of firemen, who shall receive, each, thirty dollars per month and one ration per day, and the requisite number of coal heavers, who shall receive, each, eighteen dollars per month and one ration per day; and the said fireman and coal heavers shall, in all cases of prize money, share as seamen.

Firemen and coal heavers authorized.

§ 3. *And be it further enacted,* That the said chief engineer

Pay of engineers waiting orders.

and assistant engineers, when waiting orders, shall be paid as follows : To the chief engineer, twelve hundred dollars per annum ; to the first assistant engineer, seven hundred dollars per annum ; to the second assistant engineer, five hundred dollars per annum ; to the third assistant engineer, three hundred and fifty dollars per annum.

Engineer in chief to be appointed. § 4. *And be it further enacted*, That the Secretary of the Navy shall appoint a skilful and scientific engineer in chief, who shall receive for his services the sum of three thousand dollars per annum, and shall perform such duties as the Secretary of the Navy shall require of him touching that branch of the service.

Uniform for engineers, and rules for their government, to be prescribed. § 5. *And be it further enacted*, That the Secretary of the Navy shall be authorized to prescribe a uniform for the said chief engineers and assistant engineers, and to make all necessary rules and regulations for the proper arrangement and government of the corps of engineers and assistant engineers, not inconsistent with the constitution and laws of the United States. The said engineers and assistant engineers shall be, in all respects, subject to the laws, rules, and regulations of the naval service, in like manner with other officers of the service.

Engineers, how appointed. § 6. *And be it further enacted*, That the said chief engineers shall be appointed by commission, and the assistant engineers shall be appointed by warrant from the Secretary of the Navy, in such form as he may prescribe.

Depots of coal authorized. § 7. *And be it further enacted*, That the Secretary of the Navy be, and he is hereby, authorized to establish, at such places as he may deem necessary, suitable depots of coal, or other fuel, for the supply of steam ships of war.

Approved, August 31st, 1842.

CHAP. 306.—An act to extend the collection district of Wiscasset.

Repeated. Act of 1843, c. 302, post p. 302. § 1. *Be it enacted, &c.*, That the towns of Newcastle and Nobleboro, lying on the Damariscotta river, in the State of Maine, be annexed to the collection district of Wiscasset, as ports of delivery only.

Approved, August 31st, 1842.

CHAP. 307. An act to suppress the vending of lottery tickets in the District of Columbia.

Sale of lottery tickets in the District of Columbia, after 1st January, 1843, unlawful. § 1. *Be it enacted, &c.*, That from and after the first day of January one thousand eight hundred and forty-three, it shall not be lawful to keep within the District of Columbia any office or place of business for the sale of lottery tickets, or of any share or interest in lottery tickets, nor shall it be lawful to sell or offer for sale within the said District, any lottery ticket or any share or interest in any lottery ticket ; and every person who shall be duly convicted of offending against the provisions of this act shall be punished by imprisonment in the common jail of the county in which the offence shall have been committed for a period not less than one, nor more than six calendar months and shall for-

Penalty for offending.

feit and pay a fine of not less than one hundred nor exceeding one thousand dollars, one half of which shall go to the informer, and the other half to the municipal corporation within whose corporate limits the offence shall have been committed, but if committed without the limits of any municipal corporation then such moiety of the fine shall go to the United States.

§ 3. *And be it further enacted*, That the contract of sale for such lottery ticket or tickets, or shares or interest in such lottery ticket or tickets, shall be absolutely void, and the person or persons paying therefor shall have a right to recover back the money paid therefor as money paid on a void consideration; *Provided*, That nothing herein contained shall be construed to restrain the selling of lottery tickets, so far as the same is authorized by any existing contract made by the Common Council of the city of Alexandria, under an ordinance of the Common Council of the said city, passed on the fifth day of December, eighteen hundred and twenty-seven, and approved by the President of the United States, if such contract is made, and so far as the same is made, in conformity with the provisions of its charter, nor so far as the selling of the same is authorized by any subsisting license of any of the cities of the said District, for the period of one year from the passage of this act; *And provided further*, That it shall not be lawful, under color of any contract made with the Common Council of the said city of Alexandria, as aforesaid, to vend or sell tickets, or parts of tickets, or shares, in any lottery or lotteries, authorized by the Legislature of any State or Territory, within the United States, or any foreign Government. *Approved, August 31st, 1842.*

Sales of lottery tickets void—lawful to recover the money.

Certain lottery tickets excepted for one year.

CHAP. 311. An act to reorganize the Navy Department of the United States.

§ 1. *Be it enacted, &c.*, That the act approved February seventh, eighteen hundred and fifteen, entitled "An act to alter and amend the several acts for establishing a Navy Department, by adding thereto a Board of Commissioners," be and the same is hereby, repealed.

Act of 1815, c. 188, vol. 2, p. 1476.

Act of 7th February, 1815, repealed.

§ 2. *And be it further enacted*, That there shall be attached to the Navy Department the following bureaus, to wit:

Bureaus to be attached to the Navy Department.

1. A bureau of Navy Yards and Docks.
2. A bureau of Construction, Equipment and Repair.
3. A bureau of Provisions and Clothing.
4. A bureau of Ordnance and Hydrography.
5. A bureau of Medicine and Surgery.

§ 3. *And be it further enacted*, That the President of the United States, by and with the advice and consent of the Senate, shall appoint, from the captains in the naval service, a chief for each of the bureaus of the Navy Yards and Docks, and of Ordnance and Hydrography, who shall each receive a salary of three thousand five hundred dollars per annum, in lieu of all other

Chiefs of the bureaus to be appointed, how.

compensation, whatever, in the naval service ; and shall, in like manner, appoint a chief of the bureau of Construction, Equipment, and Repairs, who shall be a skillful naval constructor, and shall also appoint a chief of the bureau of Provisions and Clothing, who shall each receive for his services three thousand dollars per annum ; and shall in like manner appoint from the surgeons of the navy a chief of the bureau of Medicine and Surgery, who shall receive for his services two thousand five hundred dollars per annum.

Secretary of
Navy to appoint
the following
clerks for the
Office of the
Secretary of the
Navy.

§ 4. *And be it further enacted*, That the Secretary of the Navy shall appoint the following clerks, to wit :

For the office of Secretary of the Navy, a chief clerk, who shall receive for his services two thousand dollars per annum ; one registering clerk who shall receive for his services one thousand four hundred dollars per annum ; three recording clerks, who shall receive for their services each one thousand dollars per annum ; one principal corresponding clerk, who shall receive for his services one thousand five hundred dollars per annum ; and two assistant corresponding clerks, who shall receive for their services each twelve hundred dollars per annum ; one warrant clerk who shall receive for his services twelve hundred dollars per annum ; and one miscellaneous clerk, who shall receive for his services eight hundred dollars per annum.

Bureau of Navy
Yards and Docks.

For the bureau of Navy Yards and Docks, one civil engineer, who shall receive for his services two thousand dollars per annum ; one draughtsman, who shall receive for his services one thousand dollars per annum ; one chief clerk, who shall receive for his services one thousand four hundred dollars per annum ; and two assistant clerks, one of whom shall receive for his services one thousand dollars per annum, and the other shall receive for his services eight hundred dollars per annum.

Bureau of Con-
struction, equip-
ment, and repairs.

For the bureau of Construction, Equipment and Repairs, one assistant constructor and draughtsman, who shall receive for his services the sum of one thousand six hundred dollars per annum ; and four clerks, one of whom shall receive for his services fourteen hundred dollars per annum, and the others shall receive for their services one thousand dollars per annum, each.

Bureau of Pro-
visions and cloth-
ing,

For the bureau of Provisions and Clothing, one chief clerk, who shall receive for his services one thousand four hundred dollars per annum ; and two clerks, one of whom shall receive for his services one thousand two hundred dollars per annum, and the other shall receive for his services eight hundred dollars per annum.

Bureau of Ord-
nance and Hy-
drography, and

For the bureau of Ordnance and Hydrography, one draughtsman who shall receive for his services one thousand dollars per annum ; and three clerks, one of whom shall receive for his services twelve hundred dollars per annum, and the others shall receive for their services one thousand dollars per annum, each.

For the bureau of Medicine and Surgery, two clerks, one of

whom shall receive for his services twelve hundred dollars per annum, and the other shall receive for his services eight hundred dollars per annum; and one assistant surgeon, who shall receive for his services not less than the highest pay of his grade in the service.

Bureau of Medicine and Surgery.

§ 5. *And be it further enacted*, That the Secretary of the Navy shall assign and distribute among the said bureaus such of the duties of the Navy Department, as he shall judge to be expedient and proper; and all the duties of the said bureaus shall be performed under the authority of the Secretary of the Navy, and their orders shall be considered as emanating from him and shall have full force and effect as such.

Duties to be distributed among the bureaus.

To be performed under authority of the Secretary of the Navy, &c.

§ 6. *And be it further enacted*, That there shall be allowed to each bureau a messenger, who shall receive for his services a compensation not exceeding seven hundred dollars per annum.

Messengers.

§ 7. *And be it further enacted*, That the chief of each bureau hereby established shall be authorized to frank all communications, from his bureau; and all communications to his bureau, on the business thereof, shall be free of postage.

Franking privilege.

§ 8. *And be it further enacted*, That the books, records, and papers, now belonging to the office of Navy commissioners shall be distributed among the bureaus, according to the nature of their duties respectively; and the Secretary of the Navy is hereby authorized to provide for each bureau, such books of record and accounts, and such stationery, as may be found necessary; for which purpose the sum of three thousand five hundred dollars is hereby appropriated, payable out of any moneys in the Treasury not otherwise appropriated.

Papers of the Navy Commissioners office to be distributed.

Stationery to be provided—\$3,000 appropriated therefor.

§ 9. *And be it further enacted*, That the unexpended balance of the appropriation for clerks in the office of the Secretary of the Navy, and the unexpended balance of the appropriation for the Commissioners of the Navy, their secretary and clerks, together with such additional sum as may be necessary to carry this law into effect, be, and the same are hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated.

Appropriation to carry this law into effect.

§ 10. *And be it further enacted*, That the Secretary of the Navy shall, if the same can be done without detriment to the public service, appoint, with their consent, officers of the navy, not above the grade of lieutenants, to perform the duties of any clerkship created by this act, (except as herein otherwise provided,) who shall receive each for their services not more than nine hundred dollars per annum, including their regular pay and rations; but the appointment of any officer in the navy to any of the offices or clerkships in this act, shall in no manner whatever interfere with his grade in the service.

Officers, not above the grade of lieutenants, may, with their consent, be appointed to the clerkships.

§ 11. *And be it further enacted*, That all acts, or parts of acts authorizing the President of the United States, or the Secretary of the proper Department, under his direction to transfer any portion of the moneys appropriated for a particular branch of expenditure in that Department, to be applied to another

Authority to transfer money from one appropriation to another, so far as relates to the Navy Department, repealed.

branch of expenditure in the same Department, be, and are hereby, so far as relates to the Department of the Navy, repealed.

Approved, August 31st, 1842.

Act of 1841, c. 3, ante p. 2826.
Act of 1842, c. 51, ante p. 2861.

No stock authorized by acts 21 July, 1841, and 15 April, 1842, to be sold below par.

Issue of Treasury notes authorized upon certain contingencies.

Time for the issuing of the Treasury notes limited.

Act of 1837, c. 5, ante p. 2641.
Act of 1840, c. 5, ante p. 2790.

To be issued under the provisions and limitations of acts 19 October, 1837, and March 31, 1840.

Proviso: when redeemed, may be reissued.

Amount outstanding not to exceed \$5,000,000.

Relative to the issuing of certificates of stock.

CHAP. 312.—An act to limit the sale of public stock to par, and to to authorize the issue of Treasury notes, in lieu thereof, to a certain amount.

§ 1. *Be it enacted, &c.*, That no stock authorized to be issued for a loan, by the act entitled "An act authorizing a loan not exceeding the sum of twelve millions of dollars," approved July twenty-first eighteen hundred and forty-one, and the act amendatory of the same, entitled "An act for the extension of the loan of eighteen hundred and forty-one, and for an addition of five million of dollars thereto, and for allowing interest on Treasury notes due," approved April fifteenth, eighteen hundred and forty-two, shall hereafter be sold below par; in case the same cannot be sold at or above par, and the exigencies of the public service shall require the same, then and in that case the Secretary of the Treasury shall be, and hereby is, authorized to issue Treasury notes in lieu of so much thereof as cannot be thus negotiated, to an amount not exceeding six millions of dollars.

§ 2. *And be it further enacted*, That the Treasury notes authorized to be issued by virtue of this act shall not be issued after the time limited by said last mentioned act, being the fifteenth day of April, eighteen hundred and forty-three, for making said loan, and they shall be issued under the provisions and limitations contained in the act entitled "An act to authorize the issuing of Treasury notes," approved the twelfth day of October, eighteen hundred and thirty-seven, and as modified by the act entitled "An act additional to the act on the subject of Treasury notes," approved March thirty-first, eighteen hundred and forty: *Provided*, That the notes authorized to be issued by virtue of this act may, when redeemed, be reissued, or new notes issued in lieu of such as may be redeemed within the time above prescribed for issuing the same, provided that not more than six millions in amount shall be outstanding at any one time under the authority of this act.

§ 3. *And be it further enacted*, That nothing in the act contained, entitled an act authorizing the loan, above referred to, and an act amendatory of the same, shall be so construed as to authorize the issue of certificates of stock, for debts due or to become due by the United States, for any other purpose than a bona fide loan to the Government according to the original intention of that law, and that no certificate for any loan shall be issued for a less sum than one hundred dollars.

Approved, August 31st, 1842.

RESOLUTIONS.

[No. 2.] Joint resolution on the subject of printing the tables of the sixth census.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the payment of the money heretofore appropriated by Congress, to pay the expenses of the sixth census, be so far suspended, as that no money shall be paid for the printing of the compendium or abridgement of the sixth census by counties and principal towns, together with the tables of apportionment, as prepared at the Department of State for the use of Congress, until the further order of Congress.

Payment for the printing of the compendium suspended.

Approved, April 14th, 1842.

[No. 3.] A resolution further to provide for the distribution of the printed returns of the sixth census, and other documents connected with the same, the printing of which has been heretofore directed by law.

Resolved, &c., That the statistics, including the census of pensioners, and the compendium or abridgement of the sixth census of the United States, heretofore required by law to be printed under the direction of the Secretary of State, shall be distributed and disposed of by the Secretary in the manner and in the proportions specified in the joint resolution of Congress passed the first day of September, one thousand eight hundred and forty-one, *Provided, always,* That seventeen thousand copies of the said compendium or abridgement shall be distributed among the States, Territories, and persons entitled to distribution under the said resolution, and in the proportions therein specified, and that the remaining copies of the said statistics and compendium be placed in the Library of Congress for future distribution.

The other census documents to be distributed in the manner specified by resolution first September, 1841.

Proviso: 17,000 copies of the compendium to be distributed in proportions therein specified.

Residue of census documents to Library of Congress.

Approved, April 15th, 1842.

[No. 4.] Joint resolution to continue two clerks in the business of reservations and grants under Indian treaties.

Resolved, &c., That the authority given to the Secretary of War by the joint resolution, approved second May, one thousand eight hundred and forty, to continue the employment of two clerks in the business of reservations and grants under Indian treaties, be extended, after the expiration of the period for which that authority was granted, for the term of two years.

Period for which they were authorized, extended for two years.

Approved, May 18th, 1842.

[No. 5.] A resolution to authorize the extension of the contract for carrying the mail on the route between Mobile and New Orleans.

Resolved, &c. That the Postmaster General be, and he hereby is, authorized to extend the existing contract for carrying the mail upon the steamboat route between Mobile and New Orleans for three years from the time at which said contract would expire by its own limitations, if, in his opinion, the public interest and convenience will be promoted by such extension of said contract.

Postmaster General authorized to extend the existing contract for three years.

Approved, June 1st, 1842.

[No. 7.] Joint resolution to authorize the commission appointed to prepare rules and regulations for the naval service to appoint a clerk.

Resolved, &c. That the Secretary of the Navy be, and he is hereby, authorized, agreeably to his request, to employ a temporary clerk for the purpose of aiding the Attorney General and himself in carrying into effect the resolution of the twenty-fourth May, eighteen hundred and forty-two, which requires of them the preparation of rules and regulations for the Navy.

Employment of a temporary clerk authorized.

Approved, August 11th, 1842.

[No. 8.] A resolution declarative of the pension act of July seventh, eighteen hundred and thirty-eight.

Resolved, &c. That the benefits of the act entitled, "An act granting half pay and pensions to certain widows," approved the seventh day of July, eighteen hundred and thirty-eight, shall not be withheld from any widow whose husband died after the passage of the act of the seventh of June, eighteen hundred and thirty-two, and before the act of the seventh July, eighteen hundred and thirty-eight, if otherwise entitled to the same.

Act of 1838, c. 180, ante p. 2736.

Benefits of the act not to be withheld from certain widows.

Approved, August 16th, 1842.

[No. 10.] Joint resolution to institute proceedings to ascertain the title to Rush Island, ceded in the Caddo Treaty.

Resolved, &c., That the District Attorney of the United States for the Western District of Louisiana be, and he is hereby directed to institute such legal proceedings in the proper court as may be necessary to vindicate the right of the United States to Rush Island, which is alleged to have been improperly included in the limits of the lands ceded by the Caddo Indians to the United States, by the treaty of the first July, eighteen hundred and thirty-five, and reserved by said treaty in favor of certain persons by the name of Grappe. *Approved, August 30th, 1842.*

U. S. Attorney for the Western district of Louisiana directed to institute them.

[No. 12.] Joint resolution authorizing experiments to be made for the purpose of testing Samuel Colt's submarine battery, and for other purposes.

Resolved, &c., That the Secretary of the Navy be, and he is hereby, instructed to render Mr. Samuel Colt facilities to test his submarine battery to an extent which will settle the questions whether these or any other plan can, with ease and safety, successfully be employed as a power sufficient to destroy the largest class of ships of war, when in motion passing in or out of harbor, without the necessity of approach within reach of shot from guns of the largest calibre; and whether continued operations of the destruction of one or more vessels can be effected with renewing the means under exposure of an advancing squadron; and whether the same can be used for the defence of a harbor without endangering the passage in or out of other than hostile vessels. And that he report at the next session of Congress, the

Secretary of the Navy to render Mr. Colt facilities to test his submarine battery, and report to Congress.

expense and result of these experiments ; *Provided*, That the amount so expended does not exceed the sum of fifteen thousand dollars, to be taken from the fund appropriated by the act of eleventh of September, eighteen hundred and forty-one, for experiments connected with the naval service of the United States.

Provide: sum expended not to exceed \$15,000.

§ 2. *And be it further resolved*, That the Secretary of the Navy be, and he is hereby, authorized to make such experimental trial of the several inventions of Thomas M. Easton, Ethan Campbell, Aaron Quimby, or either of them, or of other persons, to prevent the explosion of steam boilers, as may be necessary to test their value and utility as applicable for the purpose aforesaid, to the steam ships of the United States ; and the sum of six thousand dollars is hereby appropriated therefor out of the fund heretofore named. *Approved, August 31st, 1842.*

Trial of inventions to prevent the explosion of steam boilers authorized.

\$6,000 appropriated.

[No. 14.] A resolution to authorize an extension of a contract for carrying the mail.

Resolved, &c., That the Postmaster General be, and he is hereby, authorized, if in his opinion the interest of the Department will be promoted thereby, to extend at this time the contract for the conveyance of the mail on the Potomac, for four years from the termination of the present contract, in such a way as to receive the regular transmission of the mail, by means of ice-boats : *And provided*, That the compensation does not exceed the present rates for two boats service.

Extension of the contract for the conveyance of the mail on the Potomac authorized.

Provide.

Approved, August 31st, 1842.

OR

THE UNITED STATES;

Passed at the Third Session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the fifth day of December, one thousand eight hundred and forty-two.

JOHN TYLER, President. WILLIAM P. MANGUM, President of the Senate, protempore. JOHN WHITE, Speaker of the House of Representatives.

CHAP. 316. An act to amend the act establishing a district court of the United States at Wheeling, Virginia.

Hereafter two annual terms to be held.

§ 1. *Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled,* That hereafter two annual terms of the district court for the western district of Virginia be holden at the city of Wheeling, commencing on the twenty-fifth March and the twenty-fifth of October, in lieu of the one term of the said district court now directed to be held at Wheeling.

Approved, January 20th, 1843.

CHAP. 317. An act to continue the office of Commissioner of Pensions.

Office continued until 4th March, 1846.

§ 1. *Be it enacted, &c,* That the office of Commissioner of Pensions shall be, and the same is hereby continued until the fourth of March, one thousand eight hundred and forty-six.

A Commissioner to be appointed—his duties,

§ 2. *And be it further enacted,* That a Commissioner of Pensions shall be appointed by the President of the United States by and with the consent of the Senate, and that he shall execute under the direction of the Secretary of War and the Secretary of the Navy, such duties in relation to the various pension laws as may be prescribed by the President: and also such duties in relation to the laws granting military bounty lands as may be assigned to him by the Secretary of War with the sanction of the President.

Allowed a salary of \$2,500 and the franking privilege.

§ 3. *And be it further enacted,* That the said Commissioner shall receive an annual salary of two thousand five hundred dollars and shall have the privilege of sending and receiving letters and packets by mail, free of postage. *Approved, January 20th, 1843.*

CHAP. 20. An act to re-enact and continue in operation the several acts now in force for the relief of insolvent debtors of the United States. Act of 1840, c. 10 ante p. 2792.

§ 1. *Be it enacted, &c.*, That the act entitled, "An act to extend for a longer period the several acts now in force for the relief of insolvent debtors of the United States," approved the twenty-seventh May, eighteen hundred and forty, and the several acts therein mentioned, shall be, and the same are hereby, re-enacted and continued in force for three years from and after the expiration of the said first mentioned act, and until the cases which may be depending when such first mentioned act shall expire shall be determined, for the purpose of finally disposing of such cases, and for no other purpose. *Approved, January 28th, 1843.* Acts continued for three years &c.

CHAP. 343. An act to amend the charter of the town of Alexandria.

§ 1. *Be it enacted, &c.* That the Mayor of the town of Alexandria shall hereafter be annually elected, by ballot, by the citizens qualified to vote for members of the Common Council of the said town; and that the votes for Mayor shall be taken by the Commissioners appointed to superintend the election for members of the Common Council in the several wards of the said town, under the same laws and regulations as now govern the election of members of the Common Council, and at the same time and places appointed therefor, excepting so far as may by this act be otherwise hereinafter directed; and the Commissioners for all the wards, or a majority of the Commissioners for each ward, shall meet on the day after the said election at the Council Chamber in the town of Alexandria, or at such other fit and convenient place as the Common Council may, from time to time direct, and then and there add and compare the votes given for Mayor in their respective wards, and the individual having the highest number of votes for the office of Mayor, shall be declared by the Commissioners so assembled to be duly elected; and they shall make out a certificate thereof, and cause the same to be delivered to the person elected, and a duplicate thereof to the Clerk of the Common Council; and if two or more persons voted for as Mayor shall have an equal and the highest number of votes, the Commissioners shall certify that fact, with the names of such persons, to the President or Chairman of the Common Council, whereupon the Common Council shall proceed to elect the Mayor from among those who received the equal and highest number of votes, in the manner now provided by law. Election of the Mayor.

§ 2. *And be it further enacted,* That the said Commissioners, before they shall receive any vote for Mayor, shall, in addition to the oath or affirmation now required of them by law, severally take on oath or affirmation, truly and faithfully to receive and count the votes of such persons as are by law entitled to vote for Mayor of Alexandria in ward No. —, and not knowingly to receive the vote of any person for Mayor who is not legally enti- Commissioners of election to take an additional oath.

tled to the same, which oath shall be administered by the Mayor, or any justice of the peace for the county of Alexandria.

In case of vacancy, the Common Council to make the election.

§ 3. *And be it further enacted*, That on the refusal of any person elected to the office of Mayor of Alexandria, in the mode prescribed in the foregoing sections, to accept the same, or on the death, resignation, inability, or removal of any person filling such office of Mayor of Alexandria, the Common Council of said town shall proceed to elect another person to fill said office for the remainder of the year.

Time of the first election.

§ 4. *And be it further enacted*, That the first election under this act shall be held at the time when the members of the Common Council of Alexandria are elected next after this act goes into effect: *Provided, however*, That nothing in the foregoing sections contained, shall in any wise alter, change, or affect the powers, duties, qualifications, or term of service of the Mayor of said town of Alexandria, as now provided by law, except so far as the same may be in conflict with this enactment.

Proviso limiting the effect of this act.

Approved, February 15th, 1843.

CHAP. 344. An act to authorize the chief clerk in the office of the Secretary of State to frank public and official documents sent from that office.

Franking privilege granted.

§ 1. *Be it enacted, &c.*, That the right and privilege of franking all public and official documents, that may be sent from the office of the Secretary of State, be, and hereby is, granted to the chief clerk in that office. *Approved, February 15th, 1843.*

CHAP. 345. An act to change the place of holding the circuit and district courts in the district of Maine.

Circuit court to be held at Portland on 1st October.

§ 1. *Be it enacted, &c.*, That the term of the circuit court of the United States, for the district of Maine, heretofore held at Wiscasset, in and for said district, on the first day of October, shall hereafter be held at Portland, in said district, on the first day of October, and that all writs, pleas, and recognizances and indictments, and all other proceedings, both civil and criminal, pending in said court, shall be returnable to and have day and be heard, tried, and proceeded in at Portland, in the same manner as they might have been done at Wiscasset, had the place of holding said court not been changed: *Provided, however*, if the first day of October happen on Sunday, then the court shall be held on the second day of said month.

Proviso.

District court to be held at Portland on 1st Tuesday of February.

§ 2. *And be it further enacted*, That the term of the district court of the United States for the district of Maine, heretofore held at Wiscasset, on the fourth Tuesday of February, shall hereafter be held at Portland on the first Tuesday of February, and that the term of said court heretofore held at Portland on the first Tuesday of June, shall hereafter be held at Bangor in said district, on the fourth Tuesday of June.

And at Bangor on 4th Tuesday of June.

Approved, February 15th, 1843.

CHAP. 346. An act to authorize the Legislatures of the States of Illinois, Arkansas, Louisiana, and Tennessee, to sell the lands heretofore appropriated for the use of schools in those States.

§ 1. *Be it enacted, &c.,* That the Legislatures of Illinois, Arkansas, Louisiana, and Tennessee, be, and they are hereby, authorized to provide by law for the sale and conveyance, in fee simple, all or any part of the lands heretofore reserved and appropriated by Congress for the use of schools within said States, and to invest the money arising from the sales thereof in some productive fund, the proceeds of which shall be forever applied, under the direction of said Legislatures, to the use and support of schools within the several townships and districts of country for which they were originally reserved and set apart, and for no other use or purpose whatever: *Provided*, Said land, or any part thereof, shall in nowise be sold without the consent of the inhabitants of such township or district, to be obtained in such manner as the Legislatures of said States shall by law direct; and in the apportionment of the proceeds of said fund, each township and district shall be entitled to such part thereof, and no more, as shall have accrued from the sum or sums of money arising from the sale of the school lands belonging to such township or district.

Authority to provide for the sale of school lands and to invest the money in funds, the proceeds of which shall be applied to the use of schools.

Proviso: land not to be sold without the consent of inhabitants of the township.

Apportionment of the proceeds.

§ 2. *And be it further enacted*, That the Legislatures of said States be, and they are hereby, authorized to make such laws and needful regulations as may be deemed expedient to secure and protect from injury or waste, the sections reserved by the laws of Congress, for the use of schools, to each township, and to provide by law, if not deemed expedient to sell, for leasing the same for any term not exceeding four years, in such manner as to render them productive and most conducive to the object for which they were designed.

Authority to make laws for protection of said lands, and if not expedient to sell, to lease them.

§ 3. *And be it further enacted*, That if the proceeds accruing to any township or district from said fund, shall be insufficient for the support of schools therein, it shall be lawful for said Legislatures to invest the same in the most secure and productive manner, until the whole proceeds of the fund belonging to such township or district shall be adequate to the permanent maintenance and support of schools within the same: *Provided*, That the Legislatures aforesaid shall in no case, invest the proceeds of the sale of the lands in any township in manner aforesaid, without the consent of the inhabitants of said township or district, to be obtained as aforesaid.

In case of insufficiency of said proceeds to support schools, authority to invest them until adequate.

Proviso: investment not to be made without consent of inhabitants of the township.

§ 4. *And be it further enacted*, That any sales of such lands, reserved as aforesaid, as have been made in pursuance of any of the laws enacted by the Legislatures of said States, and not inconsistent with the principles of this act, are hereby ratified and confirmed so far as the assent of the United States to the same may be necessary to the confirmation thereof. *Approved, February 15th, 1843.*

Such sales as have been made, not inconsistent with the principles of this act confirmed.

CHAP. 357.—An act altering the times of holding the circuit court of the United States for the district of Connecticut.

Changed to fourth Tuesday in April, and third Tuesday in September.

§ 1. *Be it enacted, &c.,* That the circuit court of the United States for the district of Connecticut, shall hereafter be held on the fourth Tuesday in April, and on the third Tuesday in September in each year, instead of the last Wednesday in April, and the seventeenth day of September, the times heretofore established by law. And all indictments, informations, recognizances, writs, suits, pleas, actions, motions, and all other proceedings, civil and criminal, shall be heard, tried, proceeded with, and determined by the said court, in the same manner as they might and ought to have been done, had the said court been holden at the times heretofore directed by law. *Approved, February 24th, 1843.*

All proceedings to go on as heretofore

Act of 1800, c. 15, vol. 1, p. 731. CHAP. 358.—An act to continue in force an act therein mentioned, relating to the port of Baltimore.

Act of 17th March, 1800, so far as relates to Maryland, revived and continued to 1st June, 1800.

§ 1. *Be it enacted, &c.,* That the act passed the seventeenth day of March, one thousand eight hundred, entitled "An act declaring the assent of Congress to certain acts of the States of Maryland and Georgia," and which by subsequent acts has been revived and continued in force until the third of March, one thousand eight hundred and forty-three, be, and the same, so far as it relates to the act of the State of Maryland, is hereby revived and continued in force until the first day of June, in the year one thousand eight hundred and fifty: *Provided,* That nothing here-in contained shall authorize the demand of a duty on tonnage on vessels propelled by steam employed in the transportation of passengers. *Approved, February 24th, 1843.*

Proviso.

Act of 1836, c. 312, vol. 4, p. 2416. CHAP. 359.—An act amendatory of an act establishing the branch mint at Dahlonega, Georgia, and defining the duties of assayer and coiner.

Duties of melter and refiner transferred from the assayer to the coiner in the branch mints at Dahlonega and Charlotte.

§ 1. *Be it enacted, &c.,* That an act passed the thirteenth day of February, one thousand eight hundred and thirty-seven, to amend an act entitled "An act to establish branches of the mint of the United States," passed the third day of March, one thousand eight hundred and thirty-five, be, and it is hereby, altered and amended so as to transfer the duties of melter and refiner from the assayer to the coiner at the branches of Dahlonega in Georgia, and of Charlotte in North Carolina, respectively, and that all laws and parts of laws conflicting with this act be, and they are hereby, repealed. *Approved, February 27th, 1843.*

Act of 1798, c. 94, vol. 1, p. 54. CHAP. 362.—An act amendatory of "An act for the relief of sick and disabled seamen."

Act of 16th July 1798, extended to the coasting trade.

§ 1. *Be it enacted, &c.,* That the provisions and penalties of the act of the sixteenth July, one thousand seven hundred and ninety-eight entitled "An act for the relief of sick and disabled seamen," be, and the same hereby are, extended to the masters, owners, and seamen of registered vessels employed in carrying on the coasting trade; and the Secretary of the Treasury is au-

Measures to be taken to collect hospital money.

thorized and directed to issue such instructions to the collectors of the various ports as shall secure the collection of hospital money from said seamen, masters and owners.

Approved, March 1st, 1843.

CHAP. 363.—An act to perfect the titles to lands south of the Arkansas river, held under New Madrid locations, and pre-emption rights under the act of one thousand eight hundred and fourteen.

Act of 1815, c. 196, vol. 2, p. 1500.

§ 1. *Be it enacted, &c.*, That the locations heretofore made of warrants issued under the act of the seventeenth of February, one thousand eight hundred and fifteen, entitled "An act for the relief of the inhabitants of the late county of New Madrid, in Missouri Territory, who suffered by earthquakes" of those locations which were made on the south side of the Arkansas river, if made in pursuance of the provisions of that act in other respects, shall be perfected into grants, in like manner as if the Indian title to the lands on the south side of said river had been completely extinguished at the time of the passage of said act.

Certain locations of warrants, issued under act of 17th of February 1815, perfected.

§ 2. *And be it further enacted*, That in all cases in which the location so made on the south side of the Arkansas river may have been sold, and the lands thus located under the act aforesaid have been appropriated by the United States, the owner of the warrants issued under the provisions of the act aforesaid shall have a right to enter, within twelve months after the passage of this act, without payment, the like quantity of the public lands, of any of the unappropriated and unimproved lands in the State of Arkansas, corresponding with the legal subdivisions.

In cases in which the lands have been appropriated by the United States, the owners of the warrants are authorized to enter other lands.

§ 3. *And be it further enacted*, That, every settler on the public lands south of the Arkansas river shall be entitled to the same benefits accruing under the provisions of the pre-emption act of one thousand eight hundred and fourteen, as though they had resided north of said river.

Settlers south of the Arkansas entitled to benefits of pre-emption act of 1814.

§ 4. *And be it further enacted*, That all Cherokee pre-emptions which have been or may be located upon any of the surveyed lands of the United States, south of the base line in Arkansas, shall be confirmed, and patents shall issue thereon as in other cases.

Certain Cherokee pre-emptions confirmed.

Approved, March 1st, 1843.

CHAP. 364.—An act in relation to the two per cent. fund of the State of Mississippi.

§ 1. *Be it enacted, &c.*, That the assent of Congress is hereby given to the appropriation, by the State of Mississippi, to the completion of the railroad from Brandon to Jackson, of the sum of twenty-five thousand dollars, as part of the two per cent. fund heretofore relinquished by Congress to said State; and that the Governor of said State be, and he is hereby, authorized, with the said two per cent. fund now in the treasury of the United States to enter any public lands in said State, subject to private entry, and in the name and on behalf of said State, to be held subject to the same trusts and purposes of, said fund.

Assent of Congress to the appropriation of part of the two per cent. fund to Brandon and Jackson railroad.

Governor of Mississippi authorized to enter land with the two per cent. fund.

Approved, March 1st, 1843.

Act of 1841, c. 16,
 ante p. 2843.

CHAP. 53.—An act regulating the mode of paying over to the State of Alabama the two per cent. fund relinquished to said State by the act approved on the fourth day of September, one thousand eight hundred and forty-one.

Bills of the Bank
 of Alabama re-
 ceivable for lands
 to the amount of
 the two per cent.
 fund unpaid.

Quantity of land
 to be entered by
 a settler.

Alabama to re-
 ceive said bills in
 payment of the
 two per cent. fund

Terms of the re-
 linquishment not
 affected by this
 act.

§ 1. *Be it enacted, &c.*, That the registers and receivers of public moneys at the different land offices in the State of Alabama be, and they are hereby, authorized and required, under such regulations as the Secretary of the Treasury may prescribe, to take and receive from the actual settlers on the public lands in said State in payment for their houses and improvements, entered by virtue of any of the pre-emption laws now in force; the bills of the bank of the State of Alabama, or any of the branches thereof, to an amount equal to the amount of the two per cent. fund relinquished to this State by the Congress of the United States, remaining unpaid: *Provided*, That no settler shall be allowed to enter more than one quarter section of land with the bills of said bank, or either of them: *And provided further* That the State of Alabama shall receive from the Government of the United States, in payment of said two per cent. fund, the bills of the Bank of the State of Alabama, and the several branches thereof, taken and received by the registers and receivers, as aforesaid, from the settlers aforesaid, in payment for their pre-emption claims: *And provided further*, That nothing in this act shall be so construed as to change the terms, conditions, and limitations, annexed to the relinquishment of said fund to the said State, by the act aforesaid; but such terms, conditions, and limitations, shall apply and be in full force in reference to said fund, notwithstanding its payment in the mode provided by this act.

Approved, March 1st, 1843.

CHAP. 382.—An act regulating the currency of foreign gold and silver coins in the United States.

Certain gold
 coins of Great
 Britain and
 France to be cur-
 rent—their value
 fixed.

§ 1. *Be it enacted, &c.*, That from and after the passage of this act, the following foreign gold coins shall pass current as money within the United States, and be receivable, by weight, for the payment of all debts and demands, at the rates following, that is to say: the gold coins of Great Britain, of not less than nine hundred and fifteen and a half thousandths in fineness, at ninety-four cents and six-tenths of a cent per penny-weight; and the gold coins of France, of not less than eight hundred and ninety-nine thousandths in fineness, at ninety-two cents and nine-tenths of a cent per pennyweight.

Certain silver
 coins of Spain,
 Mexico, Peru,
 Bolivia, and France,
 to be current—
 their value fixed.

§ 2. *And be it further enacted*, That from and after the passage of this act, the following foreign silver coins shall pass current as money within the United States, and be receivable by tale, for the payment of all debts and demands, at the rates following, that is say: the Spanish pillar dollars, and the dollars of Mexico, Peru, and Bolivia, of not less than eight hundred and ninety-seven thousandths in fineness, and four hundred and fifteen grains in weight, at one hundred cents each; and the five-

franc pieces of France, of not less than nine hundred thousandths in fineness, and three hundred and eighty-four grains in weight, at ninety-three cents each.

§ 3. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to cause assays of the coins made current by this act to be had at the mint of the United States, at least once in every year, and to make report of the result thereof to Congress. *Approved, March 3d, 1843.*

Assays of said coins to be made and reported to Congress. *Amend*

CHAP. 384.—An act declaring Robbinston in the State of Maine, to be a port of delivery.

§ 1. *Be it enacted, &c.*, That the town of Robbinston, in the State of Maine, shall be a port of delivery, to be annexed to the district of Passamaquoddy, and shall be subject to the same regulations as other ports of delivery in the United States. *Approved, March 3d, 1843.*

Robbinston made a port of delivery.

CHAP. 385.—An act to permit the entry of merchandise recovered from shipwreck, in certain cases, free from duty.

§ 1. *Be it enacted, &c.*, That whenever any ship or vessel laden with merchandise, in whole or in part, subject to duty, shall be, or shall have been, sunk in any river, harbor, bay or waters, subject to the jurisdiction of the United States, and within its limits, and shall have remained so sunk for the period of two years, and shall be abandoned by the owners thereof, any person or persons who may raise such ship or vessel, shall be permitted to bring any merchandise recovered therefrom, into the port nearest to the place where said ship or vessel was so raised, free from the payment of any duty thereupon, and without being obliged to enter the same at the custom-house, under such rules and regulations as the Secretary of the Treasury may prescribe. *Approved, March 3d, 1843.*

Merchandise, recovered from shipwreck, admitted free of duty.

CHAP. 386.—An act to reduce the salary of the surveyor of the port of Camden, New Jersey.

§ 1. *Be it enacted, &c.*, That the salary of the surveyor of the port of Camden, in the State of New Jersey, shall be fixed at two hundred and fifty dollars per annum, besides the lawful fees allowed to surveyors.

Salary reduced to \$250 and fees.

§ 2. *And be it further enacted*, That this act shall take effect from the date of its passage, and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Act to take effect from its passage. Acts repealed.

Approved, March 3d, 1843.

CHAP. 387.—An act to change the times of holding the circuit and district courts for the district of East Tennessee.

§ 1. *Be it enacted, &c.*, That the circuit and district courts of the United States for the District of East Tennessee shall hereafter be held on the third Mondays of April and October in each and every year, instead of the times now prescribed by law,

Times of holding said courts changed to the third Mondays in Apr and October.

under the same rules, in the same manner, and under the same regulations now prescribed for the holding of said courts.

In case of non-attendance of the district judge, circuit judge to hold court, &c.

§ 2. *And be it further enacted*, That in case of the non-attendance from any cause of the district judge at either of the courts in either of the districts in the State of Tennessee, required or authorized to be held by him, the circuit judge whose circuit includes said districts may hold the same, and in addition to the jurisdiction now conferred on him, shall have and exercise the same jurisdiction and powers now conferred on said district judge. *Approved, March 3d, 1843.*

CHAP. 388.—An act to fix the compensation of the Commissioner of Public Buildings.

Compensation fixed at \$2,000 per annum.

§ 1. *Be it enacted, &c.*, That the compensation of the Commissioner of Public Buildings shall be two thousand dollars per annum, and no more.

Relative to the application of the appropriation for public buildings and grounds.

§ 2. *And be it further enacted*, That no portion of the appropriation for public building and grounds, or any improvement or alteration of the same, shall be applied to the payment of a clerk or clerks in the office of said commissioner, or of an architect, unless the same be expressly provided for in the act.

Acts : Inconsistent herewith repealed.

§ 3. *And be it further enacted*, That all acts or parts of acts inconsistent with the provisions of this act be, and the same hereby are, repealed. *Approved, March 3d, 1843.*

CHAP. 390.—An act to set aside certain reservations of lands, on account of live oak in the southeastern district of Louisiana.

Certain reservations of lands for live oak set aside.

§ 1. *Be it enacted, &c.* That the reservations made by the United States in eighteen hundred and thirty-two, of lands situate in township thirteen, range twelve east; township fourteen, ranges twelve and thirteen east; township fifteen, range thirteen east; township sixteen, range sixteen east; and township seventeen, range, sixteen east, in the southeastern district of Louisiana, on account of the live oak supposed to grow thereon, be set aside and annulled; and that any persons entitled to pre-emption under the existing laws, within the limits of the said townships, be admitted to make their proofs and complete their titles in the same manner as if the reservations for live oak had not been made.

Right of pre-emption to said lands admitted.

Approved March 3d, 1843.

CHAP. 391.—An act authorizing the sale of lands, with the improvements thereon erected by the United States, for the use of their agents, teachers, farmers, mechanics, and other persons employed amongst the Indians.

Sale of buildings erected by United States for their agents, &c. among Indians, authorized.

§ 1. *Be it enacted, &c.* That the Secretary of War be, and he is hereby, authorized to cause to be sold all such dwelling-houses, churches, school-houses, workshops, and other buildings belonging to the United States, as have been, or hereafter shall be, erected for the use of their agents, teachers, farmers, mechanics, and other persons employed amongst the Indians, when the

lands on which the same are erected shall have become the property of the United States, and are no longer necessary for the purposes aforesaid.

§ 2. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized to cause to be sold, at his discretion, with each of such buildings mentioned in the preceding section of this act, a quantity of land not exceeding one section; and on the payment of the consideration agreed for, into the treasury of the United States, by the purchaser, the said Secretary shall make, execute, and deliver, to the said purchaser, a title in fee simple for such lands and tenements.

Sale of land authorized with each building.

Approved, March 3d, 1843.

CHAP. 392.—An act to repeal an act entitled "An act to extend the collection district of Wiscasset."

§ 1. *Be it enacted, &c.* That the act entitled "An act to extend the collection district of Wiscasset," passed August thirty-first, A. D. one thousand eight hundred and forty-two, be, and the same is hereby, repealed.

Act of 31st August, 1842, repealed.

Approved, March 3d, 1843.

CHAP. 394.—An act authorizing the reissue of treasury notes and for other purposes.

Act of 1842, c. 312, ante p. 2964.

§ 1. *Be it enacted, &c.*, That when any outstanding treasury notes, issued in pursuance of the act of thirty-first August, one thousand eight hundred and forty-two, entitled, "An act to limit the sale of public stock to par, and to authorize the issue of treasury notes, in lieu thereof, to a certain amount," or any previous act of Congress, shall after the passage of this act, be redeemed at any time before the first day of July, one thousand eight hundred and forty-four, the Secretary of the Treasury, should the wants of the public service require, may cause other notes, to the same amount, to be issued in place of such as may be redeemed, under the limitations and other provisions of the respective acts by which said notes were originally authorized and issued.

Reissue of treasury notes authorized.

§ 2. *And be it further enacted*, That after maturity of the treasury notes issued under the said act of thirty-first August, or of this act, interest may be paid thereon, in the same manner as on treasury notes authorized previous to the fifteenth April last, under the ninth section of the act approved on that day, entitled "An act for the extension of the loan of one thousand eight hundred and forty-one, and for an addition of five millions of dollars thereto, and for allowing interest on treasury notes due."

Payment of interest on treasury notes.

Act of 1842, c. 51, ante p. 2861.

§ 3. *And be it further enacted*, That, in lieu of issuing the treasury notes in the manner authorized by the first section of this act, the President, if in his opinion it shall be for the interest of the United States so to do, may cause any of said notes now outstanding, to be redeemed and cancelled as they become due, if the Secretary of the Treasury cannot redeem them out of the funds in the treasury, by an issue of stock of the United States

An issue of stock authorized in lieu of treasury notes.

for the amount thus redeemed, in the same form, for the same time, and under the same restrictions, limitations, and provisions, as are contained in an act approved April fifteen, eighteen hundred and forty-two, entitled "An act for the extension of the loan of eighteen hundred and forty-one, and for an addition of five million of dollars thereto, and for allowing interest on treasury notes due," except that no commission shall be allowed or paid for the negotiation of such business; and except also that said stock so to be issued, shall be redeemable at a period not longer than ten years from the issue thereof.

Approved, March 3d, 1843.

Act of 1841, c. 3,
ante p. 2859.
Bankrupt act re-
pealed.

CHAP. 395.—An act to repeal the bankrupt act.

§. 1. *Be it enacted, &c.,* That the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved on the nineteenth day of August, eighteen hundred and forty-one, be, and the same hereby is, repealed: *Provided*, That this act shall not affect any case or proceeding in bankruptcy commenced before the passage of this act, or any pains, penalties, or forfeitures, incurred under the said act; but every such proceeding may be continued to its final consummation in like manner as if this act had not been passed.

Approved, March 3d, 1843.

Proviso: cases
pending not affect-
ed.

CHAP. 396.—An act making appropriations for the naval service for the half calendar year beginning the first day of January and ending the thirtieth day of June, one thousand eight hundred and forty-three, and for the fiscal year beginning the first day of July, one thousand eight hundred and forty-three, and ending the thirtieth day of June one thousand eight hundred and forty-four.

§ 1. *Be it enacted, &c.,* That the following sums be, and are hereby, appropriated, out of any unappropriated money in the treasury, for the naval service for the half calendar year beginning on the first day of January and ending on the thirtieth day of June, one thousand eight hundred and forty-three; and for the fiscal year beginning on the first day of July, one thousand eight hundred and forty-three, and ending on the thirtieth day of June one thousand eight hundred and forty-four.

Expenses of hemp
agencies.

Proviso: materi-
als for the navy,
and the transpor-
tation thereof, to
be furnished by
contract.

For defraying the expenses of the agencies for the inspection of hemp, authorized by a joint resolution of Congress, approved eighteenth February, one thousand eight hundred and forty-three, four thousand dollars: *Provided*, That all provision and clothing, hemp, and other materials of every name and nature, for the use of the navy, and the transportation thereof, when time will permit, shall hereafter be furnished by contract by the lowest bidder as follows: the Secretary of the Navy shall advertise, once a week, for at least four weeks, in one or more of the principal papers published in the place where such articles are to be furnished for sealed proposals for furnishing such articles, or the whole of any particular class of articles, specifying in such advertisement the amount, quantity, and description of each kind of arti-

cles to be furnished, and all such proposals shall be kept sealed until the day specified in such advertisement for opening the same, when they shall be opened by or under the direction of the officer making such advertisement, in the presence of at least two persons; and the person offering to furnish any class of such articles, and giving satisfactory security for the performance thereof, under a forfeiture not exceeding twice the contract price in case of failure, shall receive a contract for furnishing the same; and in case the lowest bidder shall fail to enter into such contract and give such security within a reasonable time, to be fixed in such advertisement, then the contract shall be given to the next lowest bidder, who shall enter into such contract and give such security; and that all such bids or proposals shall be preserved and recorded, and reported to Congress at the commencement of every regular session; and the same shall contain a true and faithful abstract of all offers made, embracing as well those which are rejected as those which are accepted; the said abstract shall embrace the names of the party or parties offering, the terms proposed, the sums demanded, and the length of time the agreement is to continue. And in case of a failure, to supply the articles or to perform the work, by the person entering into such contract, he and his sureties shall be liable for the forfeiture specified in such contract, as liquidated damages, to be sued for in the name of the United States, in any court having jurisdiction thereof.

Approved, March 3d, 1843.

CHAP. 397.—An act to test the practicability of establishing a system of electro-magnetic telegraphs by the United States.

§ 1. *Be it enacted &c.*, That the sum of thirty thousand dollars be, and is hereby, appropriated, out of any moneys in the treasury not otherwise appropriated, for testing the capacity and usefulness of the system of electro-magnetic telegraphs invented by Samuel F. B. Morse, of New York, for the use of the Government of the United States, by constructing a line of said electro-magnetic telegraphs, under the superintendence of Professor Samuel F. B. Morse, of such length and between such points as shall fully test its practicability and utility, and that the same shall be expended, under the direction of the Secretary of the Treasury upon the application of said Morse.

\$30,000 appropriated for constructing a line of electro-magnetic telegraphs, under the superintendence of Professor Morse.

§ 2. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of the aforesaid thirty thousand dollars, to the said Samuel F. B. Morse, and the persons employed under him, such sums of money as he may deem to be a fair compensation for the services of the said Samuel F. B. Morse, and the persons employed under him, in constructing and in superintending the construction of the said line of telegraphs authorized by this act.

Payment of Professor Morse and the persons employed by him for their services.

Approved, March 3d, 1843.

CHAP. 399.—An act to authorize the investigation of alleged frauds under the pre-emption laws, and for other purposes.

An agent to be appointed to investigate cases of alleged fraud in the Columbus land district.

Mode of investigation.

proviso: powers of agent limited to one year—his compensation

In case of death of party entitled to pre-emption before consummating claim.

Settlers on certain lands, unsurveyed at time of settlement, may enter other lands.

§ 1. *Be it enacted, &c.*, That the Commissioner of the General Land office be, and he hereby is, authorized to appoint a competent agent, whose duty it shall be, under direction of said Commissioner, to investigate, upon oath, the cases of fraud under the pre-emption laws, alleged to exist in the Columbus land district, in the State of Mississippi, referred to in the late annual report of said Commissioner, communicated to Congress by letter of the Secretary of the Treasury, dated December the fifteenth, one thousand eight hundred and forty-two; and that such agent shall examine all witnesses who may be brought before him by the individual or individuals alleging the fraud, as well as those witnesses who may be produced by the parties in interest, to sustain said claims; and that he be, and is, hereby, invested with power to administer to such witnesses an oath to speak the truth in regard to any question which may be deemed necessary to the full examination of the cases so alleged to be fraudulent; and such testimony shall be reduced to writing, and subscribed by each witness, and the same returned to the Commissioner, with the opinion of said agent on each claim; and any witness, so examined before the said agent, who shall swear wilfully and falsely in regard to any matter or thing touching such examination, shall be subject, on conviction, to all the pains and penalties of perjury; and it shall be the duty of the Commissioner, to decide the cases thus returned, and finally to settle the matter in controversy, subject alone to an appeal to the Secretary of the Treasury: *Provided*, That the power conferred by this section upon such agent is hereby limited to the term of one year from and after the date of this act; and the compensation to be paid to said agent shall not exceed three dollars per day for each day he may be necessarily engaged in the performance of the duties required by this section.

§ 2. *And be it further enacted*, That in any case, where a party entitled to claim the benefits of any of the pre-emption laws shall have died before consummating his claim, by filing, in due time, all the papers essential to the establishment of the same, it shall be competent for the executor or administrator of the estate of such party, or one of the heirs, to file the necessary papers to complete the same: *Provided*, That the entry in such cases shall be made in favor of "the heirs" of the deceased pre-emptor, and a patent thereon shall cause the title to inure to said heirs, as if their names had been specially mentioned.

§ 3. *And be it further enacted*, That every settler on section sixteen, reserved for the use of schools, or on other reserves or land covered by private claims of others, which was not surveyed at the time of such settlement, and who shall otherwise come within the provisions of the several pre-emption laws in force at the time of the settlement, upon proof thereof before the register of the proper land office, shall be entitled to enter, at the mini-

men price, any other quarter section, or fractional section, or fractional quarter section, in the land district in which such school section or reserve or private claim may lie, so as not to exceed one hundred and sixty acres, not reserved from sale, or in the occupancy of any actual bona fide settler: *Provided*, such settlement was made before the date of the act of fourth September, eighteen hundred and forty-one, and after the extinguishment of the Indian title.

§ 4. *And be it further enacted*, That, where an individual has filed, under the late pre-emption law, his declaration of intention to claim the benefits of said law for one tract of land, it shall not be lawful for the same individual at any future time, to file a second declaration for another tract.

An individual filing a declaration for one tract, cannot file a second for another.

§ 5. *And be it further enacted*, That claimants under the late pre-emption laws, for land not yet proclaimed for sale, are required to make known their claims, in writing, to the register of the proper land office, within three months from the date of this act when the settlement has been already made, and within three months from the time of the settlement when such settlement shall hereafter be made, giving the designation of the tract, and the time of settlement; otherwise his claim to be forfeited, and the tract awarded to the next settler, in the order of time, on the same tract of land, who shall have given such notice, and otherwise complied with the conditions of the law.

Claimants under late pre-emption law, for lands not proclaimed for sale, to make known their claims.

§ 6. *And be it further enacted*, That whenever the vacancy of the office either of register or receiver, or of both, shall render it impossible for the claimant to comply with any requisition of any of the pre-emption laws within the appointed time, such vacancy shall not operate to the detriment of the party claiming, in respect to any matter essential to the establishment of his claim: *Provided*, that such requisition is complied with within the same period after the disability is removed as would have been allowed him had such disability not existed.

Claimants not to suffer for non-compliance with pre-emption laws caused by vacancy of office of register or receiver.

§ 7. *And be it further enacted*, That where a settler on the public lands may reside on a quarter section, a fractional quarter section, or a fraction of a section less than one hundred and sixty acres, and cultivated land on any other and different tract of either of the descriptions aforesaid, he or she shall be entitled, under the act of June twenty-two, one thousand eight hundred and thirty-eight, to the same privileges of a choice between two legal subdivisions of each; so as to include his or her house and farm, not to exceed one hundred and sixty acres in all, as is granted, by the first section of that act, to settlers residing on a quarter section, and cultivating on another and different quarter.

Settlers residing on one quarter section and cultivating another, entitled to a choice.

§ 8. *And be it further enacted*, That where two or more persons are residing on any of the species of tracts specified in section seven of this act, as required by the acts of the twenty-second of June, one thousand eight hundred and thirty-eight, and first of June, one thousand eight hundred and forty, and any one or more of said settlers may have cultivated land during the pe-

In case of two or more persons residing on one quarter section, and one or more of them cultivating other tracts.

riod of residence required by either of said acts, on another and different tract, or other and different tracts, the latter mentioned settlers shall be entitled to the option of entering the tract lived on, jointly with the other or others, or of abandoning the tract lived on to those who have not cultivated land as above required, and cultivating the tract or tracts cultivated, so as not to exceed on hundred and sixty acres to any one settler, who, by virtue of this section, is entitled to a separate entry; or such joint settlers may jointly enter the tract so jointly occupied by them, and in addition enter other contiguous unoccupied lands, by legal subdivisions, so as not to exceed one hundred and sixty acres in all to each of such joint settlers: *Provided*, That the extended privileges granted to pre-emptors by this act, shall not be construed to deprive any other actual settler of his or her previous and paramount right of pre-emption, or to extend to lands reserved for any purpose whatever.

Proviso.

Persons coming within sec. 10, act 4th September, 1841, entitled to pre-emption.

§ 9. *And be it further enacted*, That all persons coming within the tenth section of the act of the fourth of September, eighteen hundred and forty-one, entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," shall be entitled to the right of pre-emption under its provisions, notwithstanding such persons claiming the pre-emption shall have settled upon and improved the lands claimed before the same were surveyed: *Provided*, Such settlements were made before the date of the aforesaid act, and after the extinguishment of the Indian title. And said act shall not be so construed as to preclude any person who may have filed a notice of intention to claim any tract of land by pre-emption under said act, from the right allowed by law to others to purchase the same by private entry after the expiration of the right of pre-emption.

Proviso.

Approved, March 3d, 1843.

CHAP. 400. An act to provide, in certain cases, for the sale of the real estate of infants within the District of Columbia.

When a guardian thinks it to the ward's interest to sell, he may exhibit a bill, for that purpose.

§ 1. *Be it enacted, &c.*, That when the guardian of any infant shall think that the interest of his or her ward will be promoted by the sale of his or her real estate, or any part thereof, it shall be lawful for such guardian to exhibit his bill for that purpose, in the circuit court of the District of Columbia, for that county in which the real estate proposed, to be sold, or part thereof, shall lie. In the bill so exhibited, the guardian shall set forth, plainly and distinctly, all the estate, real and personal, to which such infant is entitled, and all the facts which, in his opinion, are calculated to show whether the interest of his ward will be promoted by such sale or not. The bill shall be verified by the oath of the guardian; and the infant, together with those who would be heirs to the estate if he or she were dead, shall be made parties defendant thereto. It shall be the duty of the court to appoint some fit and disinterested person to be guardian ad litem, for the infant, who shall answer such bill on oath; the infant, also, if above the age of fourteen years, shall answer the bill in proper person, on oath.

Bill, what to set forth.

Bill, how verified. Parties defendant thereto.

Guardian ad litem to be appointed.

Bill, how answered.

§ 2. *And be it further enacted*, That whether the answer to the plaintiff's bill admit the facts alleged or not, commissions for taking depositions shall be awarded; and before the court shall have authority, under this act, to decree any sale, every fact material to ascertain the propriety of the sale shall be proved, by clear and credible evidence, given by disinterested witnesses; depositions to be taken in the presence of the guardian ad litem, or upon interrogatories agreed upon by him.

Commissions for taking depositions to be awarded, &c.

§ 3. *And be it further enacted*, That if, upon hearing of the cause, it shall be proved, to the satisfaction of the court, by evidence taken as aforesaid, that the interest of the infant manifestly requires the sale of his real estate, or any part thereof, and the court shall be of opinion that, by such sale, the rights of others will not be violated, it shall be lawful to decree such sale, in such manner and upon such terms of credit as the court think right, always retaining a lien upon such estate for the payment of the purchase money.

What required to render a decree of sale lawful.

§ 4. *And be it further enacted*, That the proceeds of such sale shall be vested and applied for the benefit of the infant, either in the purchase of other real estate, or in such other manner as the court shall think best; but, in whatever hands the proceeds of the sale may be placed, the court shall require ample security that they shall be faithfully applied in such manner as the court may direct.

Proceeds of sale to be applied to the benefit of the infant.

§ 5. *And be it further enacted*, That if the infant, after such sale, shall die intestate, under the age of twenty one years, the proceeds aforesaid, or so much thereof as may remain at his death, shall be considered as real estate, and shall pass accordingly to such person or persons as would have been entitled to the estate sold, if it had not been sold.

Disposition of proceeds in case of the infant dying.

§ 6. *And be it further enacted*, That if a sale be decreed, the costs of the suit shall be paid out of the estate of the infant, otherwise the costs shall be paid by the plaintiff: *Provided*, That in no case where a sale shall be decreed shall the guardian of the said infant or infants, or the guardian ad litem, be admitted a purchaser, either by himself or by another, or in any manner whatever become the owner of the said land, during the infancy of the heir or devise; *And Provided, also*, That no sale of any infant's real estate shall be decreed, by virtue of this act, if the testator from whom such estate is derived, shall by his last will and testament, have expressly directed otherwise.

Costs of suit, how paid.

Neither guardian, nor guardian ad litem, allowed to purchase.

No sale to be decreed if prohibited by the testator.

§ 7. *And be it further enacted*, That this act shall be in force from and after the passage thereof. *Approved, March 3d, 1843.*

Act to take effect from its passage.

CHAP. 401. An act directing the survey of the northern line of the reservation for the half-breeds of the Sochs and Fox tribes of Indian by the treaty of August one thousand eight hundred and twenty-four.

Repealed. Act of 1844, c. 64, post.

Boundary line to be surveyed and suitably de- marked.

§ 1. *Be it enacted, &c.,* That the Chief Engineer cause to be surveyed and suitably demarked the northern boundry line of the reservation for the use of the half-breeds of the Soch and Fox tribes of Indians, by the treaty of the fourth of August one thousand eight hundred and twenty-four, beginning at the point, which at the date of said treaty was known and recognised as the northwest corner of the State of Missouri, and running thence due east to the river Mississippi, the section of said line lying between that stream and the river Des Moines being the northern boundry line of said reservation. *Approved, March 3d, 1843.*

CHAP. 402. An act to provide for carrying into effect the treaty between the United States and Great Britain, concluded at Washington on the ninth day of August, one thousand eight hundred and forty-two.

Commissioner to be appointed to run and mark the boundary line according to the 6th article—his salary fixed at \$3,000.

§ 1. *Be it enacted, &c.* That the commissioner to be appointed on the part of the United States for the purpose of running, tracing and marking certain parts of the boundary line between the United States and the British possessions in North America, according to the sixth article of the treaty between the United States and Great Britain, concluded on the ninth of August, one thousand eight hundred and forty-two, shall be allowed and paid a salary at the rate of three thousand dollars per annum; and the said commissioner may employ a clerk, who shall be allowed and paid a salary at the rate of one thousand five hundred dollars per annum: *Provided,* That the salaries of said officers shall not commence until they shall have been severally ordered into service.

Commissioner allowed a clerk at \$1,500.

Proviso: salaries to commence when.

Officers of the topographical engineers may be employed to assist the commissioner.

§ 2. *And be further enacted,* That it shall be lawful for the President of the United States to cause any one or more of the officers of the corps of topographical engineers, as the public service may require, to be employed to aid and assist the said commissioner in running, tracing and marking the said line.

\$15,000 appropriated for the expenses of the commission.

§ 3. *And be it further enacted,* That for the payment of the said salaries, and for other expenses of said commission, including the purchase or repair of instruments, wages to persons employed, and other contingencies, there be appropriated, out of any money in the treasury not otherwise appropriated the sum of fifteen thousand dollars.

\$300,000 appropriated for Maine and Massachusetts in conformity with the fifth article.

§ 4. *And be it further enacted,* That the sum of three hundred thousand dollars be, and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, to be paid in equal moieties to the States of Maine and Massachusetts, in conformity with the provision of the fifth article of the said treaty.

§ 5. *And be it further enacted*, That it shall be the duty of the proper officers of the treasury to audit and pay the accounts of the States of Maine and Massachusetts for all claims for expenses incurred by them in protecting the heretofore disputed territory, on the northeastern frontier of the United States, and making a survey thereof, as provided by the fifth article of said treaty; and the sum of, not exceeding ten thousand seven hundred and ninety-two dollars and ninety-five cents for Massachusetts, and two hundred and six thousand nine hundred and thirty-four dollars and seventy-nine cents for Maine, is hereby appropriated out of any money in the treasury not otherwise appropriated, in satisfaction of the said accounts.

Accounts of Maine and Massachusetts for certain expenses to be audited and paid as provided by the 5th article.

Appropriation therefor.

§ 6. *And be it further enacted*, That it shall be the duty of the President of the United States, in execution of the provisions of the eighth article of said treaty, to apply so much of the naval appropriations as may be necessary therefor, to the preparation, equipment, and maintenance of the naval force therein stipulated to be employed on the coast of Africa by the United States.

Naval appropriations to be applied to the execution of the provisions of the 8th article.

Approved, March 3d, 1843.

CHAP. 403.—An act providing the means of future intercourse between the United States, and the Government of China.

Act of 1790, c. 40, vol. 1, p. 90.

§ 1. *Be it enacted, &c.*, That the sum of forty thousand dollars be, and the same is hereby appropriated and placed at the disposal of the President of the United States, to enable him to establish the future commercial relations between the United States and the Chinese empire on terms of national equal reciprocity; the said sum to be accounted for by the President, in the manner prescribed by the act of first of July, one thousand seven hundred and ninety, entitled "An act providing the means of intercourse between the United States and foreign nations;" *Provided*, That the annual compensation to any one person employed under this act shall not exceed the sum of nine thousand dollars exclusive of outfit: *And provided further*, That no agent shall be sent by virtue of this act unless he shall have been appointed by and with the advice and consent of the Senate.

\$40,000 placed at the disposal of the President for the establishment of commercial relations with China. To be accounted for, how.

Salary of the agent.

Agent, how to be appointed.

Approved, March 3d, 1843.

CHAP. 404. An act providing for the sale of certain lands in the States of Ohio and Michigan, ceded by the Wyandot tribe of Indians, and for other purposes.

§ 1. *Be it enacted, &c.*, That all that tract of land in the State of Ohio, to which the Indian title was extinguished by a treaty with the Wyandot tribe of Indians, concluded at Upper Sandusky, March seventeenth, eighteen hundred and forty-two, shall be attached to, and made a part of, the consolidated land district in which it is situated; and that the land office for the said district shall be removed from Lima to the town of Upper Sandusky, within the tract aforesaid, as soon as, in the judg-

Land in Ohio, ceded by Wyandot treaty of 17th March, 1842, attached to district in which situated.

Land office to be removed to Upper Sandusky.

ment of the President of the United States, such removal shall be proper.

Part of the land to be laid off, how, and residue surveyed,

§ 2. *And be it further enacted*, That a portion of the tract aforesaid, including the town of Upper Sandusky, shall under the direction of the surveyor general, be laid off into town lots, streets, and avenues, and into out lots, in such manner and of such dimensions as he may judge proper: *Provided*, That the land so laid off shall not exceed in quantity six hundred and forty acres, nor the town lots a quarter of an acre each, nor the out lots exceed the quantity of two acres each; and the residue of the lands in the tract shall be surveyed as other public lands, in connexion with the adjacent previous surveys.

All the lands, except the school lands, and those reserved by the treaty, to be offered at public sale.

§ 3. *And be it further enacted*, That all the public land in said tract, with the exception of the section numbered sixteen, in each township, which shall remain for the support of common schools, and of the lots reserved by the provisions of the aforesaid treaty, which shall remain for the purposes therein expressed shall, so soon as the surveys and plats of the same be returned to the general and district land offices, be offered at public sale, at Upper Sandusky, under the superintendence of the register of the land office and the receiver of public moneys for the district at such time as shall be designated by proclamation of the President of the United States; the sales to remain open for two weeks, and no longer, and the lands not to be sold at public sale nor be subject to private entry thereafter for a price less than two dollars and fifty cents per acre.

All the lots except four to be selected for the town, and those reserved by the treaty, to be offered at public sale.

§ 4. *And be it further enacted*, That the town lots and out lots directed by this act to be laid off shall, with the exception of four town lots, to be selected by the superintendents of the sale, for the use of and to be vested in the town when it shall become corporate, and also of the lots reserved by the seventeenth article of the aforesaid treaty, to remain for the uses therein provided for, be offered at public sale at the time the other lands in the tract are offered, and are to be subject to entry at private sale thereafter: *Provided, however*, That no town lot shall be sold for less than twenty dollars, nor any out lot for less than at the rate of fifteen dollars per acre.

Previous.

Improved lands to be noted on plats of survey.

Superintendent of sales to be furnished with schedule of appraised value of improvements.

Lands to be offered so as to preserve the improvements entire.

§ 5. *And be it further enacted*, That, in executing, the surveys of the lands in the tract aforesaid, the surveyor general shall cause the improved lands to be designated on the general plat, and the position, extent, and quality of each improvement to be carefully noted; and the Commissioner of the General Land Office shall cause the superintendents of the sales to be furnished with a copy of the schedule of the appraised value of improvements ascertained, pursuant to the fifth article of the said treaty; and in any case, where the lines for subdivision of sections shall divide and injuriously affect the value of an improvement, the superintendents of the sale shall be authorized, under instruction of the commissioner of the General Land Office, to offer, at public and at private sale, an entire quarter section, or half-quarter section, and to attach together halves of two adjacent quarter sec-

tons, so as to preserve, as far as practicable, the improvements on a tract entire; and if, in offering at public sale any tract on which improvements exist, the real value of the same, according to the estimate of the superintendents, shall not be bidden, it shall be their duty to withdraw the tract from sale, and the tracts thus withdrawn from sale shall again be offered at public sale, due public notice first being given, when directed by the Commissioner of the General Land Office.

Tracts on which improvements exist to be withdrawn from sale unless their value is bidden, &c.

6. *And be it further enacted*, That all the lands in the Wyandot reserve, on both sides of the river Huron in the State of Michigan, ceded to the United States by the aforesaid treaty, shall be attached to and made a part of the district of lands subject to sale at Detroit; and shall be offered for sale at the land office, in the same manner, both as to public and private sale, as is directed for the sale of the lands of the reserve in the State of Ohio by this act: *Provided*, That the land shall not be sold for less than two dollars per acre. *Approved, March 3d, 1843.*

Lands in Wyandot reserve, in Michigan, to be attached to the land district, and offered for sale, how.

Provided.

CHAP. 405.—An act to fix the value of certain foreign money of account, in computations at the custom-houses.

Act of 1845, c. 213, post.

§ 1. *Be it enacted, &c.*, That in all computations of the value of foreign moneys of account at the custom houses, of the United States, the thaler of Prussia shall be deemed and taken to be of the value of sixty-eight and one-half cents; the mil-reis of Portugal shall be deemed and taken to be of the value of one hundred and twelve cents; the rix dollar of Bremen shall be deemed and taken to be of the value of seventy-eight and three quarter cents; the thaler of Bremen, of seventy-two grotes, shall be deemed and taken to be of the value of seventy-one cents; that the mil-reis of Madeira shall be deemed and taken to be of the value of one hundred cents; the mil-reis of the Azores shall be deemed and taken to be of the value of eighty-three and one third cents; the marc-banco of Hamburg shall be deemed and taken to be of the value of thirty-five cents; the rouble of Russia shall be deemed and taken to be of the value of seventy-five cents; the rupee of British India shall be deemed and taken to be of the value of forty-four and one half cents; and all former laws inconsistent herewith are hereby repealed.

Value at which certain foreign moneys shall be computed at the custom houses.

Approved, March 3d, 1843.

CHAP. 406.—An act authorizing an examination and survey of the harbor of Memphis, in Tennessee.

§ 1. *Be it enacted, &c.*, That the Secretary of the Navy be, and he is hereby, authorized to cause to be made an examination and survey of the harbor of Memphis, in the State of Tennessee, in reference to the expediency of establishing a naval depot and yard for the building and repairing steam ships and other vessels of war at that place, and that he report to Congress the result of such examination and survey; and that the sum of three thousand dollars be, and the same is hereby, appropriated, out of any moneys in the treasury unappropriated, to defray the expenses of such examination and survey. *Approved, March 3d, 1843.*

Examination and survey to be made with a view to the establishment of a naval depot.

Appropriation therefor.

Act of 1838, c. 381, ante p. 2739. CHAP. 407.—An act to modify the act entitled "An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part, by steam," approved July seventh, eighteen hundred and thirty-eight.

Vessels propelled by steam to be provided with additional steering apparatus.

§ 1. *Be it enacted, &c.,* That every boat or vessel which existing laws require to be registered, and which is propelled in whole or in part by steam, shall be provided with such additional apparatus or means as, in the opinion of the inspector of steamboats, shall be requisite to steer the boat or vessel, to be located in such part of the boat or vessel as the inspector may deem best to enable the officers and crew to steer and control the boat or vessel, in case the pilot or man at the wheel is driven from the same by fire; and no boat or vessel, exclusively propelled by steam, shall be registered, after the passage of this act, unless the owner, master, or other proper person, shall file with the collector or other proper officer the certificate of the inspector, stating that suitable means have been provided to steer the boat or vessel, in case the pilot or man at the wheel is driven therefrom by fire.

Vessels provided with the apparatus required by first section, may use hemp tiller ropes, &c.

§ 2. *And be it further enacted,* That it shall be lawful in all vessels or boats propelled in whole or in part by steam, and which shall be provided with additional apparatus or means to steer the same, as required by the first section of this act, to use wheel or tiller ropes, composed of hemp or other good and sufficient material, around the barrel or axle of the wheel, and to a distance not exceeding twenty-two feet therefrom, and also in connecting the tiller or rudder yoke with iron rods or chains used for working the rudder: *Provided,* That no more rope for this purpose shall be used than is sufficient to extend from the connecting points of the tiller or rudder yoke placed in any working position beyond the nearest blocks or rollers, and give sufficient play to work the ropes on such blocks or rollers: *And provided further,* That there shall be chains extending the whole distance of the ropes so connected with the tiller or rudder yoke, and attached or fastened to the tiller or rudder yoke, and the iron chains or rods extending towards the wheel, in such manner as will take immediate effect, and work the rudder in case the ropes are burnt or otherwise rendered useless.

Provided.

Further provided.

Freight vessels propelled by sails and Erickson's propeller, not required to provide suction hose, fire engine, &c., nor more than one boat.

§ 3. *And be it further enacted,* That the master and owner, and all others interested in vessels navigating Lakes Champlain, Ontario, Erie, Huron, Superior, and Michigan, or any of them, and which are propelled by sails and Erickson's propeller, and used exclusively in carrying freight, shall from and after the passage of this act be exempt from liability or fine for failing to provide, as a part of the necessary furniture of such vessel, a suction hose and fire engine and hose suitable to be worked on such vessel in case of fire, or more than one long boat or yawl.

Proceedings pending for violations of 9th section act 7th July, 1883, in regard to tiller ropes, to be discontinued.

4. *And be it further enacted,* That it shall be lawful for the court before which any suit, information or indictment is or shall be pending for the violation, before the passage of this act, of so much of the ninth section of the act aforesaid as requires "that iron rods or chains shall be employed and used in the navigation

of all steamboats, instead of wheel and tiller ropes," to order such suit, information or indictment to be discontinued, on such terms as to costs as the court shall judge to be just and reasonable: *Provided*, That the defendant or defendants in such prosecution shall cause it to appear, by affidavit or otherwise, to the satisfaction of the court, that he or they had failed to use iron rods or chains in the navigation of his or their boat or boats, from a well-grounded apprehension that such rods or chains could not be employed for the purpose aforesaid with safety.

Provided.

§ 5. *And be it further enacted*, That in execution of the authority vested in him by the second section of the joint resolution "authorizing experiments to be made for the purpose of testing Samuel Colt's sub-marine battery and for other purposes," approved August thirty-first one thousand eight hundred and forty-two, the Secretary of the Navy shall appoint a board of examiners, consisting of three persons, of thorough knowledge as to the structure and use of the steam engine, whose duty it shall be to make experimental trials of such inventions and plans designed to prevent the explosion of steam boilers and collapsing of flues as they may deem worthy of examination, and report the result of their experiments, with an expression of their opinion as to the relative merits and efficacy of such inventions and plans, which report the Secretary shall cause to be laid before Congress, at its next session. It shall also be the duty of said examiners to examine and report the relative strength of copper and iron boilers of equal thickness, and what amount of steam to the square inch when sound is capable of working with safety; and whether hydrostatic pressure, or what other plan is best for testing the strength of boilers under the inspection laws; and what limitations as to the force or pressure of steam to the square inch, in proportion to the ascertained capacity of a boiler to resist, it would be proper to establish by law for the more certain prevention of explosions.

Experimental trials of inventions to prevent the explosion of steam boilers, &c., authorized.

§ 6. *And be it further enacted*, That so much of the act aforesaid as is inconsistent with the provisions of this act shall be, and the same is hereby, repealed. *Approved, March 3d, 1843.*

Part of act 7th July, 1838, repealed.

CHAP. 408.—An act in relation to the exemplifications of the records of land patents and other evidences of title, and amendatory of the act entitled "An act to reorganize the General Land Office."

Act of 1836, c. 352, vol. 4, p. 9498.

§ 1. *Be it enacted, &c.*, That literal exemplifications of any such records which have been or may be granted in virtue of the provisions of the seventh section of the act, approved on the fourth day of July, eighteen hundred and thirty-six, entitled "An act to re-organize the General Land Office," shall be deemed and held to be of the same validity in all proceedings whether at law, or in equity, wherein such exemplifications are adduced in evidence, as if the names of the officers signing and countersigning the same, had been fully inserted in such record.

Literat exemplifications of records to be as valid as if the signatures had been written in full.

§ 2. *And be it further enacted*, That exemplifications granted in pursuance of the aforesaid section of the act aforesaid, of any

Exemplifications of warrants

&c., to be of equal validity with the originals.

warrant survey, assignment, and other evidences comprising the entire muniments of title, whereon any patent has been based for lands granted by the United States in the aforesaid Virginia military land district or elsewhere, shall be, and are hereby, declared and held as of equal validity with the original patent, warrant survey, assignment, or other evidence of title, on file in said office. *Approved, March 3d, 1843.*

CHAP. 410.—An act to provide for holding circuit courts at Williamsport in the western district of Pennsylvania.

Acts vesting circuit powers in district court at Williamsport repealed.

Circuit courts to be held on third Mondays of June and September.

§ 1. *Be it enacted, &c.,* That so much of any act or acts of Congress as vest in the district court of the United States for the western district of Pennsylvania holding its sessions at Williamsport the power and jurisdiction of a circuit court be, and the same is hereby repealed; and there shall hereafter be circuit courts held at Williamsport on the third Mondays of June and the third Mondays of September in each year by the associate justice of the Supreme Court who now is or shall hereafter be allotted to the circuit in which said district is situated and the district judge of the western district of Pennsylvania, either of whom shall constitute a quorum; which circuit court and the judges thereof shall have like powers and exercise like jurisdiction as other circuit courts and the judges thereof, and the said district court and the judge thereof shall have like powers and exercise like jurisdiction as the district courts and the judges thereof, in the other circuits.

Proceedings, cognizable in a circuit court, now pending in the district court, transferred.

§ 2. *And be it further enacted,* That all actions, suits, prosecutions, causes, pleas, process and other proceedings, relative to any cause, civil or criminal, (which might have been brought, and could have been originally cognizable in a circuit court) now pending in or returnable to the said district court of the United States for the western district of Pennsylvania held at Williamsport, acting as a circuit court on the first day of April next shall be and are hereby declared to be, respectively transferred, returnable and continued to the said circuit court constituted by this act to be holden at Williamsport within the said district; and shall be heard, tried, and determined therein, in the same manner as if originally brought, entered, prosecuted or had, in such circuit court. And the said circuit court shall be governed by the same laws and regulations as apply to the other circuit courts of the United States; and the clerk of the said court shall perform the same duties and shall be entitled to receive the same fees and emoluments, which are by law established for the clerks of the other circuit courts of the United States.

Approved, March 3d, 1843.

CHAP. 411.—An act to amend the laws regulating imprisonment for debt within the District of Columbia.

No person to be imprisoned upon a judgment from which an appeal, &c., is taken un-

§ 1. *Be it enacted, &c.,* That from and after the passage of this act, nothing in the third section of the act entitled "An act to amend the laws within the District of Columbia," approved

June twenty-fourth, one thousand eight hundred and twelve, shall be so construed as to authorize the recommitment to close jail and confinement, or to deny the benefit of the prison rules to any person imprisoned within the prison bounds of any prison within the said District for debt, being charges in execution issued upon a judgment from which an appeal has been taken and remains undecided, or upon which any writ of error has been sued out and is depending and not finally disposed of, until one year from and after the day upon which every such appeal from, or writ of error upon, such judgment shall have been finally disposed of, and the judgment shall thus have become final and conclusive; but every person so imprisoned within the said District for debt, upon an execution issued upon any judgment thus situated, shall be entitled to the prison rules and to the limits of the liberties of the jail, or prison, to which he may have been, or may be, so committed, until the expiration of one year from and after the day of the final decision upon, and termination of, any such appeal, or writ of error, or any other proceeding at law or in equity, by whatever term designated, having for its object a review or reversal of the judgment upon which such debtor is, or may be, charged in execution: *Provided, always,* That every such debtor now in prison within the said District, shall, before the expiration of the bond under which he is now permitted to go at large within the prison bounds, execute and deliver to the marshal, or sheriff, or other officer to whose custody he has been thus committed, a new bond, with good and sufficient sureties, in the penalty of twice the amount of the judgment upon which he is charged in execution, and conditioned that he will remain a true and faithful prisoner within the bounds of the prison to which he has been committed, and will not depart thence until discharged therefrom by due course of law; and every debtor hereafter to be committed within the said District, charged in execution for debt under the circumstances provided for in this act shall, before being entitled to the prison rules as hereinbefore provided cause to be executed and deliver to the marshal, or sheriff, or other proper officer, a like bond with sureties, in alike penalty, and with a like condition.

Proviso.

§ 2. *And be it further enacted,* That it shall not be lawful, in any manner, nor by virtue of any law now existing, as to any prisoner now in confinement under circumstances such as are contemplated and provided for by the first section of this act, or as to any person who may hereafter be confined under such circumstances, to make any alteration in the prison bounds as they existed and were marked and laid out when such prisoner was committed upon the execution under which he remains charged, but the limits of the liberties of his prison shall, to every such prisoner, be what they were at the time of his commitment; and the sixteenth section of the act entitled "An act for the relief of insolvent debtors within the District of Columbia," approved March the third, one thousand eight hundred and three, shall be,

No alteration to be made in the present prison bounds.

16 sec. act 3d March, 1833 for relief of insolvent debtors, modified.

and the same is hereby, so far modified as to conform to the provisions of this section of this act.

Females not to be imprisoned.

§ 3. *And be it further enacted*, That no female shall be imprisoned for debt upon mesne or final process.

Approved, March, 3d, 1843.

CHAP. 412.—An act to authorize the election or appointment of officers in the Territory of Wisconsin.

Legislative Assembly authorized to provide for the election or appointment of certain officers.

§ 1. *Be it enacted, &c.*, That the Legislative Assembly of the Territory of Wisconsin shall be, and are hereby, authorized to provide, by law, for the election or appointment of sheriffs, judges of probate, justices of the peace, and county surveyors, within the said Territory, in such way or manner, and at such times and places as to them may seem proper; and after a law shall have been passed by the Legislative Assembly for that purpose, all elections or appointments of the above-named officers, thereafter to be had or made, will be in pursuance of such law.

Term of service of the members of the Legislative Assembly.

§ 2. *And be it further enacted*, That the members of both houses of the said Legislative Assembly of the Territory of Wisconsin, shall upon the expiration of the terms of service for which the present members have been elected be hereafter elected to serve for the same terms of service as that for which the members of the Legislative Assembly in Iowa are now elected.

Approved, March 3d, 1843.

CHAP. 413. An act making appropriations for the civil and diplomatic expenses of Government for the fiscal year ending the thirtieth day of June eighteen hundred and forty-four.

§ 1. *Be it enacted, &c.* That the following sums be, and hereby are, appropriated to the objects hereinafter expressed, for the fiscal year ending on thirtieth of June, one thousand eight hundred and forty-four, to be paid out of any unappropriated money in the treasury, namely:

Coast survey.

For survey of the coast of the United States, including compensation of superintendent and assistants, one hundred thousand dollars: *Provided*, That this and all other appropriations hereafter to be made for this work, shall, until otherwise provided by law, be expended in accordance with a plan of reorganizing the mode of executing the survey to be submitted to the President of the United States by a board of officers which shall be organized by him, to consist of the present superintendent, his two principal assistants, and the two naval officers now in charge of the hydrographical parties, and four from among the principal officers of the corps of topographical engineers; none of whom shall receive any additional compensation whatever for this service, and who shall sit as soon as organized. And the President of the United States shall adopt and carry into effect the plan of said board, as agreed upon by a majority of its members; and the plan of said board shall cause to be employed as many officers of the army and navy of the United States as will be com-

Provision relative to the mode of carrying it on, &c.

patible with the successful prosecution of the work ; the officers of the navy to be employed on the hydrographical parts, and the officers of the army on the topographical parts, of the work ; and no officer of the army or navy shall hereafter receive any extra pay out of this, or any future appropriations for surveys.

For the third volume of the Documentary History of the American Revolution, twenty-seven thousand six hundred and fifty dollars: *Provided*, That the whole work, when completed, shall not exceed twenty volumes, and that the whole cost of the entire work shall not exceed twenty thousand four hundred dollars per volume: *Provided, also*, That the materials which shall compose each successive volume, shall, before any appropriation is hereafter made for the cost of the same, be submitted to, and approved by, the Secretary of State for the time being: *And provided also*, That the parties who stipulated, by articles of agreement dated the nineteenth day of March, one thousand eight hundred and thirty-three, to publish the "Documentary History of the American Revolution," shall, within ten days from the passage of this act, deliver to the Secretary of State a written agreement, to be by him accepted and approved, adopting as part of the said original articles the restrictions and limitations in these provisos contained, and making the same legally binding and operative, as portions of the said original articles, in all respects as if they had been in terms incorporated into the same.

For mail depredations and special agents, twenty-eight thousand dollars: *Provided*, That no special or traveling Post Office agent shall receive a higher compensation than one thousand two hundred and fifty dollars per annum, and in addition thereto, two dollars per day for his traveling expenses.

§ 2. *And be it further enacted*, That in case the sum appropriated for any object of contingencies, should be found more than sufficient to meet the expense thereby contemplated, the surplus may be applied under the direction of the head of the proper department, to supply the deficiency of any other item in the same department or office: *Provided*, That the expenditure for newspapers and periodicals shall not exceed the amount specifically appropriated to that object by this act, except in the State Department. *Approved, March 3d, 1843.*

CHAP. 414. An act for the relief of the Stockbridge tribe of Indians, in the Territory of Wisconsin.

§ 1. *Be it enacted, &c.*, That the township of land containing twenty-three thousand and forty acres, (or, whatever quantity now remains to them,) lying on the east side of Winnebago lake in the Territory of Wisconsin, which by the proviso of a treaty made with the Menomonie Indians on the seventeenth day of February, in the year eighteen hundred and thirty one, and ratified on the ninth day of July, eighteen hundred and thirty-two, was reserved for the use of the Stockbridge tribe of Indians, and which by a subsequent treaty with the Menomonie tribe, bearing date

Depredations
and special
agents.
Proviso.

Application of
surplus appropri-
ations.

Proviso.

The township
of land reserved
for the Stock-
bridge Indians
may be divided
among the indi-
viduals of the
tribe.

twenty-seventh October, eighteen hundred and thirty-two, and ratified thirteenth March, eighteen hundred and thirty-three, was further secured to the said Stockbridge tribe of Indians, may be partitioned and divided among the different individuals composing said tribe of Stockbridge Indians, and may be held by them separately and severally, in fee simple, after such division shall have been made in the manner hereinafter mentioned.

Five of the principal men to constitute a board of Commissioners to make the divisions.

§ 2. *And be it further enacted*, That, for the purpose of making partition and division of said lands among the individuals of said tribe of Stockbridge Indians, a board of commissioners shall be constituted, to consist of five of the principal or head men of said tribe, a majority of whom shall constitute a quorum to do business, whose duty it shall be to make a just and fair partition and division of said lands among the members of said tribe, or among such of them as, by the laws and customs and regulations of said tribe, are entitled to the same, and in such proportions and in such manner as shall be consistent with equity and justice, and in accordance with the existing laws, customs, usages, or agreements of said tribe.

Manner of electing the commissioners.

§ 3. *And be it further enacted*, That, for the purpose of electing or choosing said board of commissioners, a meeting of said tribe shall be held at their church or principal public place, on the reservation of land aforesaid, on the first Monday in April, eighteen hundred and forty-three, at which all the male members of said tribe over the age of twenty-one years shall be allowed to vote for such commissioners; and the said five commissioners shall then and there be elected or chosen by the said tribe, by a majority of the whole number of such voters then present. And the judge of the district in which said lands are situated (or, in his absence, the register of the land office at Green Bay, or the commanding officer of the United States troops at Fort Howard) shall attend at the time and place aforesaid, and preside at said meeting, superintend the said election, and see that the proceedings are fairly conducted. And the said presiding officer may, in his discretion, prescribe whether the said election shall be by ballot or viva voce, and shall, in other respects, cause the proceedings to be conducted in such a manner as to ensure a fair and proper choice or election; and after the said commissioners shall have been so chosen or elected, the said presiding officer shall immediately certify that fact, setting forth the names of the commissioners who shall be elected, and shall make two copies of said certificate, one of which he shall file in the office of the register of the land district at Green Bay, and the other he shall transmit by mail to the President of the United States.

How the division shall be made.

§ 4. *And be it further enacted*, That after the said commissioners shall have been elected or chosen as above prescribed, and as soon thereafter as conveniently may be, they shall proceed to make partition and division of all the lands aforesaid, among the individual members of said tribe, or among such of them as, by the laws, customs, usages, or agreements of said tribe, are justly

entitled to the same, and in such way and manner, and upon such principles, and in such proportions, as shall be agreeable to equity and justice, and consistent with the laws, usages, customs, and agreements of said tribe: *Provided, however,* That the buildings and improvements, and the farms on which the same are situated, which are now held or possessed in severalty by the members of said tribe, shall, so far as the same can consistently be done, be allotted or apportioned to the present occupants, and that no person or individual of said tribe shall be dispossessed or deprived of the improvements or land which they now occupy, unless it shall be found by the said commissioners that such person or persons are in possession of and occupying more land than they are justly entitled to, and then the overplus may be apportioned to others.

§ 5. *And be it further enacted,* That after the said commissioners shall have made such partition and division as aforesaid, they shall make, or cause to be made, a full report of their proceedings in the premises, setting forth the name of each person to whom they have apportioned any part of said land, the quantity apportioned or allotted to each, with the metes and bounds, or other definite description of each several piece or parcel of land; and they shall accompany the said report with a fair and accurate map of the whole, showing the divisions and partitions aforesaid; which report and map, or a true copy thereof, shall be deposited with the town clerk of said tribe, on or before the first day of July, eighteen hundred and forty-three, and shall remain open for inspection to all for the space of twenty days thereafter; and if any member or members of said tribe shall object to the partition or division so made by the said commissioners, or shall deem himself or themselves aggrieved thereby, he or they may, within ten days thereafter, give notice thereof to the said commissioners, who shall within twenty days thereafter meet to hear and determine such grievances, and take testimony, if necessary, and, after such hearing, shall have power to alter or modify such partition, if, in their judgment, any alteration or modification is necessary, in order to do equal and exact justice to all parties interested.

§ 6. *And be it further enacted,* That, after the said report shall be finally completed, the commissioners shall cause three fair copies of the said report, and of the map accompanying the same, as finally agreed upon and settled, to be made and signed by said commissioners, one copy of which shall be deposited in the office of the Secretary of said Territory, one copy in the office of the clerk of the county within which said lands are situated, and the other shall be transmitted to the President of the United States, who shall thereupon cause patents to be issued to the several individuals named in said report, for the lands so apportioned to them respectively, by which the said persons shall be authorized to hold the said land in fee simple; to themselves and their heirs and assigns.

§ 7. *And be it further enacted,* That the said report and map

Commissioners to make a report of their proceedings, with a map.

Mode of proceeding in case of the division being unsatisfactory.

Three copies of report and map to be made, and disposed of, how.

Patents to be issued.

Disposition of the report and map required by the previous section, to be made on or before 1st January, 1844; after which the Indians shall be citizens of the United States.

Proviso: Indians not deprived of their annuities.

shall be filed with the Secretary of said Territory, and in the clerk's office of said county, and shall also be transmitted to the President, on or before the first day of January, eighteen hundred and forty-four; and, after the same shall have been filed and transmitted to the President as aforesaid, the said Stockbridge tribe of Indians, and each and every of them, shall then be deemed to be, and from that time forth are hereby declared to be, citizens of the United States, to all intents and purposes, and shall be entitled to all the rights, privileges, and immunities of such citizens, and shall, in all respects, be subject to the laws of the United States and of the Territory of Wisconsin, in the same manner as other citizens of said Territory; and the jurisdiction of the United States and of said Territory shall be extended over the said township or reservation now held by them, in the same manner as over other parts of said Territory; and their rights as a tribe or nation, and their power of making or executing their own laws, usages, or customs, as such tribe, shall cease and determine: *Provided, however,* That nothing in this act contained shall be so construed as to deprive them of the right to any annuity now due to them from the State of New York or the United States, but they shall be entitled to receive any such annuity, in the same manner as though this act had not been passed. *Approved, March 3d, 1843.*

CHAP. 415. An act granting a pension to certain revolutionary soldiers.

Pensions to certain widows continued for one year.

Act of 1832, c. 136, vol 4, p. 3970.

Act of 1836, c. 199, ante p. 3733.

Act of 1842, c. 116, ante p. 3997.

Resolution, 1842, no. 3 ante p. 3906.

Act of 1844, c. 103, post.

\$300,000 appropriated therefor.

§ 1. *Be it enacted, &c.,* That the widow of any person who served in the war of the Revolution in the manner set forth in the act approved the seventh day of June, eighteen hundred and thirty-two, entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the Revolution" and whose widow, in virtue of an act approved the seventh day of July, eighteen hundred and thirty-eight, entitled "An act granting half pay and pensions to certain widows," and an act approved the twenty-third day of August, eighteen hundred and forty-two, amendatory thereof, and a resolution approved the sixteenth day of August, eighteen hundred and forty-two, entitled "A resolution declarative of the pension act of July seventh, eighteen hundred and thirty-eight," received or is entitled to an annuity or pension for the term of five years from the fourth of March, eighteen hundred and thirty-six, shall be entitled to receive the same annuity or pension which she received, or is entitled to receive, under said acts or said resolution, or either of them, for and during the further term of one year from the fourth day of March, eighteen hundred and forty-three, or during such portion of said term as said widow shall survive, subject in all respects, however, to the rules, limitations, and conditions, in any by said acts and resolutions made and provided.

§ 2. *And be it further enacted,* That the sum of three hundred and eighty thousand dollars be, and the same is hereby appropriated, out of any money in the treasury not otherwise appro-

priated, to pay the annuities or pensions in and by this act granted. *Approved, March 3d, 1343.*

CHAP. 416. An act further to continue in force the act for the payment of horses and other property lost in the military service of the United States. Act of 1837, c. 373, vol. 4, p. 323.

§ 1. *Be it enacted, &c.,* That the act entitled "An act to provide for the payment of horses and other property lost in the military service of the United States," approved on the eighteenth day of January, eighteen hundred and thirty-seven, and which has been continued in force until the end of the present session of Congress, be, and the same is hereby, continued in force for two years from and after the end of the present session of Congress. *Provided,* That at the end of the last aforesaid term of two years, all claims intended to be provided for by said act, shall be forever barred and irrecoverable before any tribunal whatever. *Provided further,* That in making proof of the loss of a horse, under the provisions of the aforesaid act, for want of forage, the additional proof of hard service connected therewith, shall not be construed to invalidate the proof of such loss by reason of the failure of the Government to furnish forage, the proof of want of forage being satisfactory. *Approved, March 3d, 1843.*

Act of 18 Jan. ary, 1837, continued for two years.

Provizo: claims barred thereafter.

Provizo, relative to the proof of loss of a horse for want of forage.

CHAP. 453. An act supplemental to the act of twenty-fourth May, one thousand eight hundred and twenty-eight, to continue a copy-right to John Rowlett.

§ 1. *Be it enacted, &c.* That the copy-right of John Rowlett, of Philadelphia, as author of a useful book, called Rowlett's Tables of Discount and Interest, the title whereof was deposited, on the fourth day of February, A. D. one thousand eight hundred and two, in the office of the clerk of the district court of the United States for the district of Pennsylvania, which copy-right was continued by act of Congress dated the twenty-fourth of May, A. D. one thousand eight hundred and twenty-eight, be, and the said copyright of John Rowlett, is hereby prolonged and continued forward during the term of fourteen years, to begin from and at the fourth of February, A. D. one thousand eight hundred and forty-four, with all rights, remedies, and privileges, conferred by copyright, by any law of the United States, including all improvements and enlargements of the said book thereto made at any till the present time, by the said John Rowlett: *Provided,* That within two months next after the passage of this act he shall in all things, comply with the provisions of the laws concerning copyrights, as to recording, publishing, depositing, and otherwise manifesting his said copyright, in his original work, and all subsequent improvements and enlargements, or other changes thereof whatever. *Approved, March 3d, 1843.*

Copyright on Rowlett's Tables of Discount and Interest extended 14 years.

Provizo.

RESOLUTIONS.

[No. 1.] Joint resolution for the distribution of catalogues of the library of Congress.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That of the copies of the Catalogue of the Library of Congress last published, now remaining on hand, there be distributed by the librarian one copy to each of the colleges and universities in the United States that has not already been furnished with the same and to each person entitled to the use of the library.

Approved, January 20th, 1843.

[No. 2.] Joint resolution to establish agencies for water-rotted hemp.

Resolved, &c., That the Secretary of the Navy be, and he is hereby, authorized to establish an agency in the State of Kentucky, and an agency in the State of Missouri, for the inspection, test, and purchase of water-rotted hemp for the use of the American navy: *Provided,* That domestic hemp shall not cost more than foreign hemp of the same quality in the seaport towns of the United States. *Approved, February 18th, 1843.*

[No. 3.] A resolution for the distribution of certain copies of the Census returns and of the Compendium of the Sixth Census.

Resolved, &c., That of the extra copies of the Census returns for eighteen hundred and forty, and of the Compendium of the said Census now remaining on hand, there be retained until further order two hundred copies of each; and that the residue of said Census returns and Compendium there be distributed, in the same manner as the laws of Congress are distributed, two hundred and fifty copies of each to the Secretary of State for his department and for distribution, in like manner by him, to ministers and diplomatic agents of this Government and of Foreign Governments, and to universities, colleges, and literary institutions now entitled to receive congressional documents, printed by order of either House, allowing one copy of each work to each; that the said Secretary in like manner distribute of said residue to the Library of Congress the same number of copies of each as it is entitled to receive of said congressional documents, and for the same purposes; to the library of the Senate three copies of each work; to the library of the House of Representatives three copies of each work; to every other department, bureau, public office or officer now entitled to receive congressional documents as aforesaid, one copy of each work, for preservation in such department, bureau or office; to every other person, body politic and functionary now entitled to receive congressional documents as aforesaid, one copy of each work; and that the Secretary of State distribute the remaining copies of each work aforesaid to the several States, Territories, and Dis-

trict of Columbia in proportion to their respective population, in the same manner as the laws of Congress are apportioned and distributed; and that the extra copies of each Census taken before eighteen hundred and forty, all over fifty copies (if so many remain on hand) be distributed to said States, Territories and District in like proportion and in like manner.

Distribution of all previous Censuses.

Approved, February 24th, 1843.

[No. 4.] Joint resolution directing certain papers relating to titles to land in Louisiana, to be returned to the General Land Office.

Resolved, &c., That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, instructed to furnish to the Commissioner of the General land office, the original reports from the several Land Offices in the State of Louisiana, made under the provisions of an act entitled "An act for the final adjustment of claims to land in the State of Louisiana," approved February sixth, one thousand eight hundred and thirty-five; also the title papers and evidence relating to claims in said reports, confirmed by an act entitled "An act confirming land claims in Louisiana, approved July sixth, one thousand eight hundred and forty-two: *Provided*, That claimants shall be entitled to withdraw their original title-papers after fair copies shall have been taken by the Commissioner of the General Land Office. *Approved, March 3d, 1843.*

Certain papers to be returned to the General Land Office.

Provide.

[No. 5.] Joint resolution, in relation to certain property purchased for the United States in the city of De:roit.

Resolved, &c. That the Secretary of the Treasury shall have charge of the banking house, with the appurtenances, late of the Bank of Michigan, situate in the city of Detroit, in the State of Michigan, purchased for the United States by direction of the Solicitor of the Treasury; and he shall have power to set apart the said premises for the use of the courts of the United States, the officers of such courts, and the post office in the said city of Detroit, and for such other public uses as he may judge to be expedient and proper, until the further order of Congress in the premises. *Approved, March 3d, 1843.*

Banking house of late Bank of Michigan, to be set apart for United States courts, and post office at Detroit, &c.

[No. 6.] Joint resolution for continuing an additional clerk in the Second Auditor's office.

Resolved, &c., That the provision contained in the act of twenty-sixth August, one thousand eight hundred and forty-two, "legalizing and making appropriations for such necessary objects as have been usually included in the general appropriation bills without other authority of law, and for other purposes," for one additional clerk in the Second Auditor's office at one thousand dollars, be, and the same is, continued until the thirtieth day of June, one thousand eight hundred and forty-four.

Clerk authorized by act 26th August, 1842, continued.

Approved, March 3d, 1843.

[No. 7.] Joint resolution relating to patents for bounty lands.

Mode of issuing
patents to the
heirs of persons
entitled to bounty
lands.

Resolved, &c. That in all cases where an officer or soldier of the revolutionary war, or a soldier of the last war, was entitled to bounty land, has died before obtaining a patent for the land, and where application is made by a part only of the heirs of such deceased officer or soldier for such bounty land, it shall be the duty of the proper officers of the War Department to issue the warrant or patent in the name of the heirs of such deceased officer or soldier, without specifying each; and the patent so issued in the name of the heirs, generally, shall inure to the benefit of the whole, in such portions as they are severally entitled to by the laws of descent in the State or Territory where the officer or soldier belonged at the time of his death.

Approved, March 3d, 1843.

OF

THE UNITED STATES ;

Passed at the First Session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the fourth day of December, one thousand eight hundred and forty-three.

JOHN TYLER, President. WILLIE P. MANGUM, President of the Senate, protempore. JOHN W. JONES, Speaker of the House of Representatives.

CHAP. 2. An act to refund the fine imposed on General Andrew Jackson.

§ 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the sum of one thousand dollars paid by General Andrew Jackson, as a fine imposed on him at New Orleans, the thirty-first day of March, Anno Domini one thousand eight hundred and fifteen, be repaid to him, together with the interest, at the rate of six per centum a year since then, out of any moneys in the Treasury not otherwise appropriated.

To refund \$1,000 with interest from March 31, 1815.

Approved, February 16th, 1844.

CHAP. 4. An act changing the time of holding the courts at Clarksburg and at Wheeling, in the Western district of Virginia, and the circuit court of the United States for the district of Arkansas.

§ 1. *Be it enacted, &c.,* That the district court of the United States, required by law to be holden at Clarksburg, in the western district of Virginia, shall hereafter commence its sessions on the last Mondays of March and of August of every year ; and that the sessions of said court required by law to be held at Wheeling, within said district, shall hereafter commence on the Wednesdays after the first Mondays in April and September of every year, instead of the times now fixed by law for holding said courts, respectively ; and that the circuit court of the United States for the district of Arkansas, shall hereafter be held on the second Monday of April of each year, instead of the time now designated by law ; and that all actions, suits, recognizances, processes, writs, and proceedings whatever, pending, or which may be pending, in said courts, respectively, or returnable there-

To be held at Clarksburg, last Mondays of March and August :

At Wheeling Wednesdays after first Mondays in April and September :

Circuit Court Arkansas, to be held second Monday of April.

to, shall have day therein, and be heard, tried, proceeded with, and decided, in like manner as if the time of holding said sessions had not been hereby altered.

§ 2. *And be it further enacted*, That this act be in force from and after the passage thereof. *Approved, March 4th, 1844.*

CHAP. 5. An act to repeal the act entitled "An act to amend the act of the tenth of March, one thousand eight hundred and thirty-eight, entitled 'An act to change the time of holding the circuit and district courts in the district of Ohio.'"

Act of 1st June 1842 repealed.

§ 1. *Be it enacted &c.*, That the act entitled "An act to amend the act of the tenth of March, one thousand eight hundred and thirty-eight, entitled 'An act to change the time of holding the circuit and district courts in the district of Ohio,' " approved June 1st, one thousand eight hundred and forty-two, be, and the same is hereby repealed: *Provided*, That this act shall not take effect until from and after the next July term of said court at Cincinnati. *Approved, March 26th, 1844.*

Proviso.

CHAP. 7. An act to amend the act entitled "An act to establish branches of the Mint of the United States."

Act of 1835, c. 312, vol. 4, p. 2415.

How oath required by 3d section, act of 3d March, 1835, may be taken.

§ 1. *Be it enacted, &c.*, That the oath or affirmation required by the third section of an act passed March third, eighteen hundred and thirty-five, entitled "An act to establish branches of the Mint of the United States," may be taken before any judge of the superior court, or of any court of record, in the State where the branch of which the person taking said oath is an officer or clerk, is situated. *Approved, April 2d, 1844.*

CHAP. 8. An act directing the disposition of certain unclaimed goods, wares, or merchandise, seized for being illegally imported into the United States.

Goods seized, of not exceeding \$100 in value.

§ 1. *Be it enacted, &c.*, That hereafter, in all cases of seizure of any goods, wares or merchandise, which shall, in the opinion of the collector or other principal officer of the revenue making such seizure, be of the appraised value of one hundred dollars or less, and which shall have been so seized for having been illegally imported into the United States, the said collector of the customs, or other principal officer making such seizure, shall proceed as follows, that is to say: he shall cause a list, containing a particular description of the goods, wares or merchandise, so seized, to be prepared in duplicate, and an appraisement of the same to be made by two sworn appraisers under the revenue laws, if there are such appraisers in such place of seizure; and if the said seizure be made where there are no such appraisers, then by two respectable, and disinterested citizens of the United States, residing at the place where the seizure may be made, and to be selected by him for said purpose. The aforesaid list and

To be appraised.

appraisement shall be properly attested by such collector or other officer and the persons making the appraisement; and for which service said appraisers shall be allowed, out of the revenue, the sum of one dollar and fifty cents per day each. Fee for appraising. If the said goods shall be found by such appraisers to be of the value of one hundred dollars or less, the said collector or other officer shall publish a notice, for the space of three weeks, in some newspaper of the county or place where the seizure was made, describing the articles, and stating the time, place, and cause of their seizure, and requiring any person or persons claiming them to appear and make such claim within ninety days from the date of the first publication of such notice: *Provided*, That any person or persons claiming the goods, wares or merchandise, so seized, within the time specified in the notice, may file with such collector or other officer a claim, stating his or their interest in the articles seized, and may execute a bond to the United States, in the penalty of two hundred and fifty dollars, with two sureties to be approved by the collector or other officer referred to conditioned that, in case of condemnation of the articles so seized, the obligors will pay all the costs and expenses of the proceedings to obtain such condemnation; and upon the delivery of such bond to the collector or other officer mentioned, he shall transmit the same, with the duplicate list and description of the goods seized, to the United States district attorney for the district, who shall proceed thereon in the ordinary manner prescribed by law: *And provided also*, That if there shall be no claim interposed and no bond given, within the time above specified the collector or other officer, as the case may be, shall give twenty days' notice of the sale of the goods, wares, or merchandise, in the manner before mentioned; and, at the time and place specified in such notice, shall sell the articles so seized at public auction, and, after deducting the expenses of appraisement and sale, he shall deposite the proceeds to the credit of the Treasurer of the United States, as shall be directed by the Secretary of the Treasury. If not appraised at more than 100 dollars, notice of seizure to be published, &c.

§ 2. *And be it further enacted*, That within one year after the sale of any goods, wares or merchandise, in virtue of this act any person or persons claiming to be interested in the goods, wares, or merchandise, so sold, may apply to the Secretary of the Treasury for a remission of the forfeiture thereof, or any of them and a restoration of the proceeds, of the said sale, which may be granted by the said Secretary, upon satisfactory proof, to be furnished in such manner as he shall prescribe: *Provided*, That it shall be satisfactorily shown that the applicant, at the time of the seizure and sale of the goods in question, and during the intervening time, was absent out of the United States, or in such circumstances as prevented him from knowing of such seizure, and that he did not know of the same; and, also, that the said forfeiture was incurred without wilful negligence or any intention of fraud on the part of the owner or owners of such goods. Person claiming within 90 days may give bond for payment of costs and expenses of proceedings, and District Attorney may proceed thereon in ordinary manner prescribed by law.

Within one year after sale, persons interested may apply to Secretary of Treasury for remission of forfeiture, &c.

Which may be granted on certain conditions.

If no application within one year proceeds to be distributed.

§ 3. *And be it further enacted*, That if no application for such restoration be made within one year, as herein before prescribed, then, at the expiration of the said time, the Secretary of the Treasury shall cause the proceeds of the sale of the said goods, wares, or merchandise, to be distributed according to law, as in the case of goods, wares, and merchandise, condemned and sold, pursuant to the decree of a competent court.

Former provisions of law inconsistent with this act shall be repealed.

§ 4. *And be it further enacted*, That all provisions of any former law inconsistent with this act shall be, and the same are hereby repealed. *Approved, April 2d, 1844.*

CHAP. 10. An act requiring one of the judges of the circuit court for the District of Columbia hereafter to reside in Alexandria.

In case of vacancy of one of the present Judges, his successor to reside in Alexandria.

§ 1. *Be it enacted, &c.* That whenever hereafter a vacancy shall occur in the circuit court of the District of Columbia, by reason of the death, resignation, or removal, of any one of the judges now composing said circuit court, the vacancy so occasioned shall be supplied by the appointment of some suitable person, whose duty it shall be to reside within the town of Alexandria, in said District of Columbia, during his continuance in office: and after the happening of such vacancy, as is hereinbefore contemplated, one of the judges of the said circuit court shall thenceforth always be required to reside in the said town of Alexandria: *Provided, however*, That nothing herein contained shall be so construed as to prevent, at any time, an exchange of residence between the judges of said court should they think proper to make such exchange so that some one of said judges shall at times, after the next appointment hereafter to be made of a judge of said court, reside in the said town of Alexandria. *Approved, April, 4th, 1844.*

Afterwards one of the Judges always to reside there.

The Judges may make an exchange of residence between them to that end.

CHAP. 11. An act to repeal so much of the act approved the twenty-third day of August, one thousand eight hundred and forty-two, as requires the second regiment of dragoons to be converted into a regiment of riflemen after the fourth day of March, one thousand eight hundred and forty-three.

Act of 1842, c. 211, ante p. 2886.

Repeal of so much of act as requires 2d regiment of Dragoons to be converted into regiment of riflemen.

§ 1. *Be it enacted, &c.* That so much of the act entitled "An act respecting the organization of the army, and for other purposes," approved the twenty-third day of August, one thousand eight hundred and forty-two, as requires the second regiment of dragoons to be converted into a regiment of riflemen after the fourth day of March, one thousand eight hundred and forty-three, be, and the same is hereby, repealed.

Regiment to be remounted, and placed on same footing as the first Regiment.

§ 2. *And be it further enacted*, That the present regiment of riflemen, formerly the second regiment of dragoons, shall, as soon as it can be effected after the passage of this act, be remounted, and called the second regiment of dragoons, and shall in all things be governed by the same organization and regulations as are provided by the act raising the first regiment of dragoons, entitled, "An act for the more perfect defence of the frontier," approved

the second day of March, one thousand eight hundred and thirty-three, and shall, in all respects, be placed upon the same footing as the said first regiment of dragoons.

Approved, April 4th, 1844.

CHAP. 12. An act to change the time of holding the Spring term of the District Court of the United States for the Eastern District of Virginia, and of the Circuit Court of Alabama.

§ 1. *Be it enacted, &c.* That the Spring term of the District Court of the United States for the Eastern District of Virginia, which is now directed by law to commence on the first day of May, in the borough of Norfolk, shall hereafter commence on the thirteenth day of May in each year: *Provided*, That whenever the day on which the term of said Court is herein provided for shall happen to on Sunday, then the term of said Court shall commence on the following day.

Spring term of District Court of Va., to commence May 30th in each year.

When 30th of May is Sunday, to commence next day.

§ 2. *And be it further enacted*, That from and after the passing of this act, all proceedings and process depending in, or issuing out of the said Court, which are, or may be made returnable to any other time for holding the Spring term of the said Court than as above specified, shall be deemed legally returnable on the day herein before prescribed and not otherwise. And that all suits and other proceedings in said Court, which stand continued to any other time, for the Spring term of said Court than as above specified shall be deemed continued to the time prescribed by this act, and no other.

All process returnable at any other day, to be returnable on the day above mentioned, and all suits &c. continued, to be continued to said term.

§ 3. *And be it further enacted*, That hereafter the Spring term of the Circuit Court of the United States for the Fifth Judicial Circuit and Southern District of Alabama, shall commence on the third Monday in April: and the Fall term of said Court shall commence on the fourth Monday in December in each and every year, instead of the periods now fixed by law, and continued in session as long as the business may require.

Spring term of Circuit Court, for Alabama, to commence on 3d Monday in April and the fall term on the 4th Monday in December.

§ 4. *And be it further enacted*, That if from any cause there should be a failure to hold said Circuit Court at the periods designated in this act, the judges thereof shall have power, and are hereby authorized to hold an extra term of said Court at such time as they may think proper. *Approved, April 12th, 1844.*

If there should be a failure to hold the Court at the regular term, the Judges may hold an extra term.

CHAP. 15. An act making appropriations for the payment of revolutionary and other pensioners of the United States, for the fiscal year ending on the thirtieth of June, one thousand eight hundred and forty-five.

§ 1. *Be it enacted &c.* That the following sums be, and the same are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the pensioners of the United States for the fiscal year commencing on the first day of July, one thousand eight hundred and forty-four, and ending on the thirtieth day of June, one thousand eight hundred and forty-five:

For invalid pensions, one hundred and eighty-four thousand eight hundred dollars:

Invalid pensions \$84,800.

Pensions under
act of March 18, 1818,
§196,030.

For pensions under the act of eighteenth March, eighteen hundred and eighteen, one hundred and ninety-six thousand dollars ;

Under act of
July 7, 1838, and
August 23, 1842,
§400,000.

For pensions under the act of July seventh, eighteen hundred and thirty-eight, and the act supplementary thereto, passed the twenty-third of August, eighteen hundred and forty-two, four hundred thousand dollars ;

Under act of
July 4, 1836,
§134,250,

For pensions under the act of July the fourth, eighteen hundred and thirty-six, one hundred and thirty-four thousand two hundred and fifty dollars ;

For deficiency
in appropriations
for previous year,
under acts March,
3, 1843, July 7,
1484, and August
23, 1842, §40,000

For supplying a deficiency in former appropriations for the fiscal year ending June thirty, one thousand eight hundred and forty-four, for pensions under the act of March three, one thousand eight hundred and forty-three, and under the act of seventh of July, eighteen hundred and thirty-eight, and the act of twenty-third of August, eighteen hundred and forty-two, forty thousand dollars : *Provided*, That the Secretary of War may direct the

Proviso.

Sec'y of War
may transfer
§220,000, out of
the §400,000, ap-
propriated for
pensions under
act of July 7, 1838,
and Aug. 23, 1842,
to pay arrearages
under said acts,
and act of March
3, 1843.

transfer of a part, not exceeding two hundred and twenty thousand dollars, of the sum of four hundred thousand dollars, appropriated in this act for the payment of pensions under the act of seventh of July, eighteen hundred and thirty-eight, and the act of twenty-third August, eighteen hundred and forty-two, to the payment of arrearages under the said acts, and also under the act of third of March, eighteen hundred and forty-three ;

Half pay pen-
sions to widows
and orphans,
1,000.

For half-pay pensions to widows and orphans, payable through the Second and Third Auditor's offices, one thousand dollars ;

Arrearages
prior to July 1815,
§2,000.

For arrearages of pensions prior to July, eighteen hundred and fifteen, payable through Third Auditor's office, two thousand dol-

Proviso.

No pension to
widow for the
time her husband
received one.

lars : *Provided*, That no pension shall be hereafter granted to a widow for the same time that her husband received one. *And*

Proviso.

No person to
receive invalid
pension and pay
at the same time,
unless &c.

Provided, also, That no person in the army, navy or marine corps shall be allowed to draw both a pension as an invalid and the pay of his rank or station in the service, unless the alleged disability for which the pension was granted, be such as to have occasioned his employment in a lower grade, or in some civil branch of the service. *Approved, April 30th, 1844.*

CHAP. 16. An act giving the assent of Congress to the holding of an extra session of the Legislative Assembly of the Territory of Iowa.

Extra session
of Legislative as-
sembly of Iowa in
June, 1844.

Proviso.
U. S. not to pay
any of the expen-
ses.

§ 1. *Be it enacted, &c.*, That the assent of Congress is hereby given to the holding of an extra session of the Legislative Assembly of the Territory of Iowa, in the month of June, eighteen hundred and forty-four ; *Provided*, That no portion of the expense of such extra session shall be paid by the Government of the United States. *Approved, April 30th, 1844.*

CHAP. 17. An act for the relief of the citizens of towns upon the lands of the United States, under certain circumstances.

When public
lands occupied
as a town site,

§ 1. *Be it enacted, &c.*, That whenever any portion of the surveyed public lands has been or shall be settled upon and occu-

pied as a town site, and therefore not subject to entry under the existing pre-emption laws, it shall be lawful, in case such town or place shall be incorporated, for the corporate authorities thereof, and, if not incorporated, for the judges of the county court for the county in which such town may be situated, to enter, at the proper land office, and at the minimum price, the land so settled and occupied, in trust, for the several use and benefit of the occupants thereof, according to their respective interests; the execution of which trust, as to the disposal of the lots in such town, and the proceeds of the sales thereof, to be conducted under such rules and regulations as may be prescribed by the legislative authority of the State or Territory in which the same is situated: *Provided*, That the entry of the land intended by this act be made prior to the commencement of the public sale of the body of land in which it is included, and that the entry shall include only such land as is actually occupied by the town, and be made in conformity to the legal subdivisions of the public lands authorized by the act of twenty-fourth April, one thousand eight hundred and twenty, and shall not in the whole exceed three hundred and twenty acres; *And, provided, also*, That any act of said trustees, not made in conformity to the rules and regulations herein alluded to, shall be void and of none effect; *And provided, also*, That the corporate authorities of the town of Weston in the county of Platte, State of Missouri, or the county court of Platte county, in said State, shall be allowed twelve months, from and after the passage of this act, to enter at the proper land office, the lands upon which said town is situate.

corporate authorities or Judges of County Court to enter the same in trust for the occupants.

Execution of the trust, &c., to be regulated by the Legislature.

Proviso: Entry to be made prior to public sale, only to embrace land occupied by the town—to be made according to legal subdivisions; not to exceed 320 acres.

Any act of trustees not made agreeable to regulations, void.

Authorities of Weston, allowed 12 months from passage of this act to enter land on which it is situated.

Approved, May 23d, 1844.

CAHP. 18. An act to authorize the transfer of the names of pensioners from the agencies in the State of Kentucky to the agency in Cincinnati in the State of Ohio.

See s. 63, post.

§ 1. *Be it enacted, &c.*, That the Secretary of the Treasury be, and he is hereby authorized to direct the names of any pensioners, resident in the State of Kentucky to be transferred, on the application of such pensioners from the agencies in the State of Kentucky to the agency in Cincinnati, in the State of Ohio.

On application any prisoners resident in Kentucky their names to be transferred to agency in Cincinnati.

Approved, May 23d, 1844.

CHAP. 30. An act relating to the port of entry in the district of Passamaquoddy, in the State of Maine.

Act of 1803, c. 79, vol. 2, p. 699.

§ 1. *Be it enacted, &c.*, That the port of entry and delivery which now is, or hereafter may be, constituted by virtue of the fourth section of the act approved March third, one thousand eight hundred and three, shall, while the same shall remain such, be also a port of entry for ships and vessels and their cargoes, arriving from the Cape of Good Hope and from places beyond the same. *Approved, May 31st, 1844.*

Port of entry under act of March 3, 1803, sec. 4, to be a port of entry for vessels and cargoes from Cape of Good Hope and beyond

Act of 1789, c. 20, vol. I. p. 53. CHAP. 31. An act to amend the judiciary act passed the twenty-fourth of September, one thousand seven hundred and eighty-nine.

Appeal to lie from circuit to Supreme Court of the U. S. in any civil suit arising under revenue laws without regard to amount.

§ 1. *Be it enacted, &c.,* That final judgements in any circuit court of the United States, in any civil action brought by the United States, for the enforcement of the revenue laws of the United States, or for the collection of the duties due, or alleged to be due, on merchandise imported therein, may be re-examined, and reversed or affirmed, in the Supreme Court of the United States, upon writ of error, as in other cases, without regard to the sum or value in controversy in such action, at the instance of either party. *Approved, May 31st, 1844.*

CHAP. 37. An act directing a disposition of the maps and charts of the Survey of the Coast.

Maps and charts may be disposed of at prices regulated by the Sec. of the Treasury.

Copies to be presented to foreign Governments, and literary and scientific associations.

§ 1. *Be it enacted, &c.,* That the Secretary of the Treasury be and he is hereby authorized to dispose of the maps and charts of the survey of the coast of the United States at such prices and under such regulations as may from time to time be fixed by the said Secretary; and that a number of copies of each sheet, not to exceed three hundred be presented to such foreign governments, and departments of our own government, and literary and scientific associations as the Secretary of the Treasury may direct. *Approved, June 3d, 1844.*

CHAP. 38. An act to alter the places of holding the District Court of the United States for the District of New Jersey.

District Court of United States, for New Jersey, to be held at Trenton.

Indictments, &c., to be tried at Trenton.

§ 1. *Be it enacted, &c.,* That the district court of the United States, in and for the district of New Jersey, shall hereafter be held at the city of Trenton, in said State, instead of the cities of New Brunswick and Burlington, the places heretofore established by law. And all indictments, informations, recognizances, writs, suits, pleas, actions, motions, and all other proceedings, civil and criminal, shall be heard, tried, proceeded with, and determined by the said court at the said city of Trenton, in the same manner as might and ought to have been done had the said court been holden at the places heretofore directed by law:

Approved, June 4th, 1844.

CHAP. 39. An act relating to bonds to be given by custom-house officers.

Custom-house officers to give requisite bond before entering upon their duties.

§ 1. *Be it enacted, &c.,* That all custom-house officers who now are, or hereafter may be, required by law to give bond with surety for the faithful discharge of the duties of their office, shall give such bond, with surety, according to the requirements of law, before they shall be qualified to enter upon the performance of said duties. *Approved, June 4th, 1844.*

CHAP. 41. An act to incorporate Georgetown College in the District of Columbia.

§ 1. *Be it enacted, &c.*, That there be erected, and hereby is erected, in Georgetown, in the District of Columbia, a college for the instruction of youth in the liberal arts and sciences, the name, style, and title of which shall be "the President and Directors of Georgetown College."

To be called
"The President
and Directors of
Georgetown Col-
lege."

§ 2. *And be it further enacted*, That James Ryder, Thomas Lilly, Samuel Barber, James Curley, and Anthony Rey, be, and they are hereby declared to be, a body politic and corporate, with perpetual succession in deed or in law, to all intents and purposes whatsoever, by the name, style, and title of "the President and Directors of Georgetown College," by which name and title they and their successors shall be competent, at law and in equity, to take to themselves and their successors, for the use of said college, any estate whatsoever, in any messuage, lands, tenements, hereditaments, goods, chattels, moneys, and other effects, by gift, bequest, devise, grant, donation, bargain, sale, conveyance, assurance, or will; and the same to grant, bargain, sell, transfer, assign, convey, assure, demise, declare to use and farm let, and to place out on interest for the use of said college, in such manner as to them, or a majority of them, shall be deemed most beneficial to said institution; and to receive the same, their rents, issues, and profits, income and interest, and to apply the same for the proper use and benefit of the said college; and by the same name to sue and be sued, to implead and be impleaded, in any courts of law and equity, in all manner of suits, actions, and proceedings whatsoever, and generally, by and in the same name, to do and transact all and every the business touching or concerning the premises: *Provided*, That the same do not exceed the value of fifty thousand dollars nett annual income, over and above and exclusive of the receipts for the education and support of the students of said college.

James Ryder,
Thomas Lilly,
Samuel Barber,
Jas. Curley, and
Anthony Rey, and
their successors,
to be a perpetual
corporation, with
full powers to
purchase, or en-
herit estate, both
real and personal,
and sell and dis-
pose of the same,
and to sue and be
sued.

proviso: nett
income from pro-
perty not to ex-
ceed \$50,000 per
ann., exclusive of
education, &c.

§ 3. *And be it further enacted*, That, the said corporation shall adopt a common seal, under and by which all deeds, diplomas, and acts of the said college or corporation, shall pass and be authenticated, and the same seal at their pleasure to break and alter, or devise a new one.

To have a com-
mon seal.

§ 4. *And be it further enacted*, That no misnomer of the said corporation shall defeat or annul any donation, gift, grant, devise, or bequest, to or from the said corporation.

Misnomer not
to defeat a dona-
tion or bequest
to said corpora-
tion.

§ 5. *And be it further enacted*, That the said corporation shall not employ its funds or income, or any part thereof, in banking operations, or for any purpose or object other than those expressed in the first section of this act; and that nothing in this act contained shall be so construed as to prevent Congress from altering, amending, or repealing the same.

Fund not to be
employed in
banking opera-
tions.

Congress may
alter, amend, or
repeal this act.

Approved, June 10th, 1844.

Act of 1836, a.
362, vol. 4, p.
2498.

CHAP. 45. An act to amend an act entitled "An act to reorganise the General Land office.

Office of Solicitor of the General Land Office abolished, duties to be performed by Recorder, &c., under direction of Commissioner of the General Land Office.

§ 1. *Be it enacted, &c.*, That from and after the passing of this act, the office of Solicitor of the General Land Office shall be, and the same is hereby, abolished; and that all the duties heretofore by law required to be performed by the said Solicitor shall hereafter be performed by the Recorder, or by such other person or persons in the employ of the United States in said General Land Office, as the Commissioner of said General Land Office may from time to time direct.

Repealing other acts inconsistent with this.

§ 2. *And be it further enacted*, That the fifth section of the act entitled "An act to reorganize the General Land office," and all other acts and parts of acts contrary to the provisions of this act, be, and the same are hereby, repealed.

Approved, June 12th, 1844.

CHAP. 46. An act to establish a port of delivery at the city of Lafayette, in the State of Louisiana.

Lafayette a port of delivery under same regulations as other ports, except, &c.

Surveyor to be appointed.

Ships and vessels bound to said port to make report and entry at New Orleans before unloading at Lafayette city.

§ 1. *Be it enacted, &c.*, That the city of Lafayette, in the State of Louisiana, shall be a port of delivery, and shall be subject to the same regulations and restrictions as other ports of delivery of the United States, except as is hereinafter provided; that a surveyor shall be appointed to reside at said port; that all ships and vessels bound to said port shall first make report and entry at the port of New Orleans, within the time limited by law, and shall be permitted to unlade their cargoes at the said city of Lafayette, adjoining the city of New Orleans, under the rules and regulations prescribed by law, and such further regulations as may be deemed necessary by the Secretary of the Treasury.

Vessels departing from Lafayette to clear out at the custom-house at New Orleans.

Goods and merchandise entitled to drawback.

§ 2. *And be it further enacted*, That, all vessels about to depart from the said port of Lafayette, for foreign ports and places, shall be permitted, under such regulations as the Secretary of the Treasury may prescribe, to clear out with their cargoes at the custom-house in the city of New Orleans, and depart as from the port of New Orleans; and goods or merchandise imported into the United States, and exported from said port of Lafayette, under the regulations aforesaid, shall be entitled to the benefit of drawback of duties, upon exportation to any foreign port or place, under the same provisions, regulations, restrictions, and limitations, as if the said goods, wares, and merchandise had been exported directly from New Orleans.

Approved, June 12th, 1844.

CHAP. 47. An act relating to the unloading of foreign merchandise on the right bank of the river Mississippi opposite New Orleans.

Under regulations made by Sec. of Treasury, salt imported from foreign port may be unladen on the right bank of the Mississippi.

1. *Be it enacted, &c.* That it shall be lawful for the Secretary of the Treasury, under such rules and regulations as he shall prescribe, to permit salt imported from foreign places to be unladen on the right bank of the river Mississippi opposite the city of

New Orleans, at any point on said right bank between the upper and lower corporate limits of the municipalities of said city. pi. opposite New Orleans.

Approved, June 12th, 1844.

CHAP. 50. An act granting a section of land for the improvement of Grant river at the town of Potosi, in Wisconsin Territory.

§ 1. *Be it enacted, &c.,* That there be, and hereby is, granted to the Territory of Wisconsin, section number thirty-four, in township number three north, in range number three west, of the fourth principal meridian of the said Territory, for the purpose of improving Grant river, known as the Grant Slue, at the town of Potosi, in the said Territory, and for no other use or purpose whatever: and the said land shall be surveyed, and divided into lots, and shall be sold and disposed of in such manner, and under such regulations and restrictions, as the Legislature of the said Territory shall establish: *Provided*, That in disposing of the same, pre-emption rights shall be granted to actual settlers and occupants residing on said lots, at the time of the passage of this act, according to the provisions and restrictions in the next section provided.

One section of land granted to be divided into lots and disposed of.

Proviso: pre-emption rights to be granted to actual settlers.

§ 2. *And be it further enacted*, That, the Surveyor General of Wisconsin and Iowa, shall appoint three disinterested commissioners, whose duty it shall be to view and examine all the lots which are actually occupied and improved, and assess the true value of said lots, without taking into the estimation, any of the improvements on the same; and the occupants of said lots, by paying, within one year from the passage of this act, the assessed value as aforesaid of their respective lots, shall be entitled to the right of pre-emption as aforesaid; and upon the failure of any, of all said occupants to do so, the said lot or lots to the extent of such failure, shall be sold as other lots in said town: *Provided*, That the said occupants may at any time before said lots are sold, pay the assessed value and thereby save their right of pre-emption aforesaid: *And provided further*, That the said commissioners aforesaid shall, before they enter upon their duties as such, be sworn faithfully to discharge their duties according to the provisions of this act; and they shall receive a compensation for their services to be prescribed by the Legislature of said Territory: *Provided*, That the whole compensation to said Commissioners shall not exceed the sum of one hundred and twenty dollars. *Approved, June 15th, 1844.*

Commissioners to be appointed to value occupied lots, and occupants to pay assessed value within one year.

Proviso.

Proviso: Commissioners to be sworn and receive compensation.

Proviso.

CHAP. 51. An act relating to certain collection districts, and for other purposes.

§ 1. *Be it enacted, &c.,* That from and after the passage of this act, the districts of Ipswich, Massachusetts, St. Mary's, and Snow Hill, Maryland, Folly Landing and East River, Virginia, and Sunbury, Hardwick, and Brunswick, Georgia, shall be and hereby, are, abolished as separate collection districts, and shall hereafter be annexed to other districts, as follows, that is to say; Ipswich, to the district of Newburyport; St. Marys, Maryland,

District of Ipswich, Mass.; St. Mary's and Snow Hill, Md.; Folly Landing and East River, Va.; and Sunbury, Hardwick, and Brunswick, Geo., abolished and annexed to certain other districts.

Proviso: Ips-
wich, Mass.; St.
Mary's and Snow
Hill, Md.: Sun-
bury, Hardwick,
and Brunswick,
Ga., at or near
Folly Landing,
East River, Va.,
to be ports of de-
livery for which
surveyors may be
appointed.

Proviso: Ches-
ter and Nanjemoy,
Md.; South
Quay, Va.; Hert-
ford, Murfreesbor-
ough, and Swans-
borough, N. C., to
be discontinued
as ports of deliv-
ery.

Proviso: assis-
tant collector to
reside at Jersey,
abolished.

Shieldsborough
Miss., to be a port
of entry, and
Pearlington not.

Proviso; Pear-
lington to be a
port of delivery.

To be called
the district of
New Orleans.

to Annapolis; Snow Hill, to Vienna; Folly Landing, to Cher-
rystone; East River, to Yorktown; Sunbury and Hardwick to
Savannah; and Brunswick, to St. Mary's, Georgia: *Provided*,
That the following places shall be, and are hereby, constituted
ports of delivery, at each or any of which the President of the
United States is authorized (if deemed necessary for the public
interests) to appoint surveyors of the customs, to wit: At Ips-
wich, Massachusetts; St. Marys and Snow Hill Maryland; Sun-
bury, Hardwick, and Brunswick, Georgia; at or near Folly
Landing, East River, Virginia; *And provided*, That the follow-
ing-mentioned ports of delivery are hereby discontinued, and the
office of surveyor established at said ports, respectively, is hereby
abolished, to wit: Chester and Nanjemoy, Maryland; South
Quay, Virginia; Hertford, Murfreesborough, and Swansborough,
North Carolina: *And provided, also*, That the office of assis-
tant collector, to reside at the town of Jersey, in the State of
New Jersey, authorized by the act approved March two, one
thousand eight hundred and eleven, is hereby abolished.

§ 2. *And be it further enacted*, That, from and after the pas-
sage of this act, the the town of Shieldsborough, on the bay of
St. Louis, in the State of Mississippi, shall be the port of entry for
the district of Pearl River, and the collector of said district shall
reside at said Shieldsborough; and the present port of entry at
Pearlington, in said district, shall cease to be the port of entry:
Provided, That Pearlington for said district, shall be, and here-
by is, constituted a port of delivery.

§ 3. *And be it further enacted*, That the name of the dis-
trict hereinafter mentioned shall be changed, and bear the follow-
ing name, that is to say: Mississippi to be called the district of
New Orleans. *Approved, June 15th, 1844.*

CHAP. 52 An act to establish a navy yard and depot at or adjacent to
the city of Memphis, on the Mississippi river in the State of Tennessee.

President to se-
lect and purchase
a site, erect build-
ings, &c.

§ 1. *Be it enacted, &c.*, That the President of the United
States be, and he is hereby, authorized to select and purchase a
site for a navy yard and depot at the city of Memphis, in the
State of Tennessee, and to erect such buildings and make such
improvements thereon as may be necessary for the construction
and repair, and for the accommodation and supply, of vessels of
war of the United States; and that the President be authorized
and empowered to purchase any water rights which may be re-
quired to propel the machinery appertaining to said navy yard,
or which may be useful in the operations of said navy yard; and
that he be further empowered to receive any donations of lands,
water rights, or rights of way, which the authorities of the city of
Memphis, or any other body corporate, or any person or persons,
may deem proper to make or grant to the Government of the Uni-
ted States; and that the sum of one hundred thousand dollars be
appropriated to the objects aforesaid, out of any money in the
Treasury not otherwise appropriated.

\$100,000 appro-
priated.

Approved, June 15th, 1844.

CHAP. 54. An act to repeal an act entitled "An act directing the survey of the northern line of the reservation for the half-breeds of the Sac and Fox tribes of Indians, by the treaty of August, one thousand eight hundred and twenty-four," approved March third, one thousand eight hundred and forty-three. Act of 1843, c. 401, ante p. 2264.

§ 1. *Be it enacted, &c.,* That the act entitled "an act directing the survey of the northern line of the reservation for the half-breeds of the Sac and Fox tribes of Indians, by the treaty of August, one thousand eight hundred and twenty-four," approved March third, one thousand eight hundred and forty-three, be, and the same is hereby repealed. Act of March 3, 1843, repealed

§ 2. *And be it further enacted,* That the northern line of said reservation, as run and marked by Jenifer S. Sprigg, in the years one thousand eight hundred and thirty-two and one thousand eight hundred and thirty-three, under contract with William Clark, superintendent of Indian affairs, be, and the same is hereby, ratified, approved, and established, as the correct northern boundary of said reservation. Northern line run by J.S. Sprigg to be northern boundary of reservation. *Approved, June 15, 1844.*

CHAP. 55. An act to authorize the selection of certain school lands in the Territories of Florida, Iowa, and Wisconsin.

§ 1. *Be it enacted, &c.,* That wherever the sixteenth sections in said Territory, either in whole or in part, are now, or may hereafter be, included in private claims held by titles confirmed or legally decided to be valid and sufficient, other lands equivalent thereto, within any land district in said Territories most adjacent to said lands so taken up by private claims, "which have been offered at public sale, and remain unsold," may be selected in lieu thereof, under the direction of the Secretary of the Treasury; and the lands so selected shall be entered in the office of the register of the land district in which they may lie, and be by such register reported to the Commissioner of the General Land Office as school lands selected under this act; *Provided,*—That, before making any entry of such other lands, the case shall be made out to the satisfaction of the register and receiver of said district, agreeably to rules to be prescribed by the Commissioner of the General Land Office, for the purpose of showing that the sixteenth section, or part thereof, has been included in the manner above mentioned. When 16th section is included in a private claim, lands adjacent may be selected in lieu. *Approved, June 15, 1844.*

CHAP. 59. An act, to test the utility of the sub-marine telescope.

§ 1. *Be it enacted, &c.,* That the Secretary of the Navy be authorized and directed to institute such experiments under the superintendence of competent and trustworthy persons, as will fully test the utility of the sub-marine telescope invented by Mrs. Sarah P. Mather, and ascertain its value, if any, to the public service; and the expenses of which shall be paid out of any moneys in the treasury not otherwise appropriated: *Provided,* That said expenses shall not exceed the sum of two thousand dollars. Secretary of the Navy to institute the experiments to test it. Expense to be paid out of Treasury. Provide: not to exceed \$2,000. *Approved, June 15, 1844.*

Act of 1844, c. 18, ante p. 3007. CHAP. 63. An act transferring the execution of a certain act from the Secretary of the Treasury to the Secretary of War.

Act of May 23, 1844, to be executed by Secretary of War.

§ 1. *Be it enacted, &c.*, That the act entitled "An act to authorize the transfer of the names of pensioners from the agencies in the State of Kentucky, to the agency in Cincinnati, in the State of Ohio," and approved May twenty-third, eighteen hundred and forty-four, shall be executed by the Secretary of War, instead of the Secretary of the Treasury.

Approved, June 15, 1844.

CHAP. 69. An act to authorize the Legislatures of the several Territories to regulate the apportionment of representation, and for other purposes.

Legislatures to apportion the representation from time to time.

§ 1. *Be it enacted, &c.*, That it shall be competent to the Legislatures of the several Territories, to re-adjust and apportion the representation in the two branches of their respective bodies in such manner from time to time as may seem to them just and proper: *Provided*, That the numbers of said bodies as authorized by existing laws shall not be increased.

Proviso: number not to be increased.

Justices of the peace and officers of militia to be elected by the people.

§ 2. *And be it further enacted*, That justices of the peace, and all general officers of the militia in the several Territories shall be elected by the people in such manner as the respective Legislatures thereof may provide by law.

Approved, June 15, 1844.

Act of 1842, c. 147, ante p. 2880.

CHAP. 71. An act to amend an act entitled "An act to provide for the armed occupation and settlement of the unsettled part of the peninsula of Florida."

Where location, under act of August 4, 1842, was made upon land liable to overflow, it may be changed.

§ 1. *Be it enacted, &c.*, That in any case in which it shall appear to the Commissioner of the General Land Office that the location made by a settler under the act approved August fourth, eighteen hundred and forty-two, entitled "An act to provide for the armed occupation and settlement of the unsettled part of the peninsula of Florida" was located upon lands which were discovered after the issue of the permit to be liable to overflow, it shall be lawful for the said Commissioner to authorize the change of the location to any other vacant quarter section within the same land district. *Provided*, application for permission to change the location shall have been made at the proper land office before the fourth day of August, eighteen hundred and forty-three.

Proviso: application to change must be made prior to August 4, 1843.

When settlement was made before survey, settler may locate on legal subdivisions, so as to include his improvement.

§ 2. *And be it further enacted*, That in all cases in which settlements have been made under the provisions of said act, upon lands not surveyed before the issue of permit, the settler may, after survey locate his quarter section in any legal subdivisions of continuous or contiguous sections, or fractional sections, so as to make up the quantity of one hundred and sixty acres, as may be, and to include his improvements, and as much of the lands described in his permit as is consistent with the system of the public surveys.

§ 3. *And be it further enacted*, That the settlers under said

act may erect their dwellings, and reside upon other than the quarter section described in their permit: *Provided*, The land upon which they so erect their habitation shall be entered and paid for by them, if in market or if not in market, shall be so entered within three months after it shall have been offered at public sale.

Settler may reside on land not in permit.
Proviso: land on which they reside to be entered and paid for.

And Provided, also, That the condition of cultivation on the land described in the permit shall be faithfully complied with according to the terms of the act to which this is an amendment.

Proviso: condition of cultivation to be complied with.

§ 4. *And be it further enacted*, That in any case in which the title of the United States to the land or any part of it, not less than forty acres, described in the permit issued by the land office to any settler, or contained in the quarter section upon which he shall have been located, shall prove to be defective, a tract of land equal in quantity to that in which the title shall have proved defective as aforesaid, may be located elsewhere upon vacant surveyed lands within the same township, or within the nearest township in which there shall be sufficient quantity of vacant arable land.

When title of U. S. is defective, settler may locate elsewhere.

§ 5. *And be it further enacted*, That it shall be competent for any settler under the said act to perfect his title to the quarter section located and described in the permit, by paying to the receiver of the land office in the appropriate district the sum of one dollar and twenty-five cents per acre for the said quarter section. *Provided*, that such settler shall prove to the satisfaction of the register and receiver for the proper land district that up to the date of his application to make payment he has fully complied with the requirements of the act to which this is an amendment. *Approved, June 15th, 1844.*

Settler may perfect his title by paying \$1.25 per acre.

Proviso.

CHAP. 72. An act making appropriation for the support of insane persons in the District of Columbia, and for other purposes.

§ 1. *Be it enacted, &c.*, That the sum of four thousand dollars be, and the same is hereby, appropriated, out of any unappropriated money in the Treasury, for the support, clothing, and medical treatment of the insane paupers of the District of Columbia, for the fiscal year ending June thirtieth, one thousand eight hundred and forty-five: *Provided*, That the amount paid for each person shall not exceed four dollars per week: *And provided further*, That the Marshal of the District of Columbia be, and he is hereby authorized to maintain at Baltimore or some other suitable lunatic asylum all such lunatic persons who are paupers as are now confined in the lunatic asylum at Baltimore by order of Congress, or are in the jails of Washington and Alexandria counties, and all such as may hereafter be committed as lunatics by order of the Circuit or Criminal Courts, they being paupers of said District of Columbia, and their support being legally chargeable thereto, and that he pay the expenses of their removal and of their maintenance in such asylum as he may select and be allowed for the same in the settlement of his accounts at the Treasury of the United States.

\$4,000 for support, &c., of insane paupers.

Proviso: not to exceed \$4 per week for each person.

Proviso: marshal of District to maintain at Baltimore or elsewhere all insane paupers of the District, committed by order of Court or Congress, and be allowed for the same in his accounts.

Medical Faculty to have the use of the insane hospital for an infirmary, &c.

§ 2. *And be it further enacted*, That the Commissioner of Public Buildings be directed to allow the Medical Faculty of the Columbia College, District of Columbia, to occupy the insane hospital with the adjoining grounds, situated on the Judiciary Square in Washington, for the purpose of an infirmary for medical instruction and for scientific purposes, on condition that they shall give satisfactory security to keep the said building in repair and return it, with the grounds to the Government, in as good condition as they are now in, whenever required to do so.

Approved, June 15th, 1844.

CHAP. 73. An act making an appropriation for the payment of horses lost by the Missouri volunteers in the Florida war.

\$34,500 appropriated.

§ 1. *Be it enacted, &c.* That there is hereby appropriated the sum of thirty four thousand five hundred dollars to be expended out of any money in the Treasury not otherwise appropriated for the purpose of paying the Missouri volunteers the value of their horses and equipage lost or cast away at sea, or which perished or died in consequence of suffering at sea in the voyage from New Orleans to Tampa Bay, in the year eighteen hundred and thirty-seven: and also for such horses as were turned over to the Government by the order of the commanding officer.

Value of horses and settlement of claims to be made according to act of March 3, 1839.

The value of all horses to be ascertained, and the settlement of all claims to be made according to the provisions of an act entitled "An act making appropriations for preventing and suppressing Indian hostilities for the year eighteen hundred and thirty-nine," approved third of March, eighteen hundred and thirty-nine, or so much of said act as provides for paying the value of horses and equipage of the Tennessee and other volunteers who have at any time been in the service of the United States in the Territory of Florida: and according to the provisions of the fourth section of an act entitled "An act making appropriations for the support of the army for the year one thousand eight hundred and thirty nine," approved third of March eighteen hundred and thirty-nine: and the said acts, or so much of them as relates to or has a bearing upon those claims as aforesaid, and other existing claims be and the same are hereby revived and continued in force for two years from the passage of this act.

Acts relating to claims for horses, &c. of volunteers in Florida war revived.

Act of January 18, 1837, revived.

Act of 1837, c. 372, vol. 4, p. 2629.

§ 2. *And be it further enacted*, That an act entitled "An act to provide for the payment of horses and other property lost in the military service of the United States," approved on the eighteenth day of January, eighteen hundred and thirty-seven, and all other acts or parts of acts relating to the same subject be and the same are hereby continued in force for the period of two years from and after the limitation provided for by an act approved March third eighteen hundred and forty-three: *Provided*, That the foregoing act shall not extend to cases which may arise in any future war.

Proviso: not to extend to cases arising in a future war.

Approved, June 15th, 1844.

CHAP. 75. An act for the relief of persons residing within the reputed limits of the States of Arkansas or Louisiana, and beyond the boundary line between the United States and the Republic of Texas, as established by the commissioners appointed to ascertain the same.

§ 1. *Be it enacted, &c.*, That it shall and may be lawful for any person who, on the twenty-first day of May, which was in the year of our Lord one thousand eight hundred and forty, resided within the reputed limits of the States of Arkansas or Louisiana, as the same were then known and understood, and who, since the demarkation of the boundary line between the United States and the Republic of Texas, by the commissioners of the respective Governments, has been found to reside within the limits of Texas, to remove within the limits of the United States; and to bring with such person, into the United States, all his or her moveable property of every kind and description whatever, any law to the contrary notwithstanding: *Provided, always*, That any person desirous of availing him or herself of the provisions of this act, shall present a petition in writing to the district judge of the district of Arkansas or Louisiana, as the case may be, setting forth the facts necessary to entitle him or her to the benefit of the same, and containing a descriptive list of the property which he or she is desirous of bringing with him or her into the United States; which petition shall be verified by the oath of the petitioner, and on due proof of the facts therein set forth by competent witnesses, to the satisfaction of the said judge, it shall and may be lawful for him, and he is hereby required, to grant to such petitioner a certificate thereof, and that such petitioner has complied in all respects, with the provisions of this act, and is entitled to bring into the United States the property specified and described in the said petition and certificate. *Approved, June 15th, 1844.*

Persons formerly in the reputed limits of the U. S. but now in Texas since the running of the boundary, allowed to remove with all their property into the U. S.

Proviso: to present a petition with a list of the property, and prove the facts before district judges.

CHAP. 94.—An act to amend the act entitled "An act to incorporate the Alexandria Canal Company," approved on the twenty-sixth day of May, eighteen hundred and thirty.

§ 1. *Be it enacted, &c.*, That if any person or persons shall wilfully or maliciously by any means whatever, injure, impair, or destroy any part of the Alexandria canal, or of its aqueducts, dams, locks, culverts, walls, embankments, bridges, buildings, or other works now constructed, or which may hereafter be constructed by the Alexandria Canal Company, under the authority of the before mentioned act, such person or persons so offending shall each of them, for every such offence, forfeit and pay a sum not less than five dollars, nor more than fifty dollars, to be recovered, with costs, in the name and for the use of the said company, before any justice of the peace of the District of Columbia; and any such justice may, on his own view, or on application to him made, verified by affidavit, issue his warrant, describing the injury committed; and upon conviction, such justice shall commit the offender to close jail, without bail or mainprize, until such

Persons injuring canal to pay a fine.

Justice to issue warrant, and party convicted to be confined in close jail.

Provide: not to prevent company from recovering damages.

No person allowed to walk or ride upon the aqueduct over Potomac.

Official Company may pass by laws.

Provide: by law not to be contrary to law of U. S.

Persons violating by-laws subject to a fine.

Company may prescribe the form and dimensions.

fine and costs be paid, or until discharged by due course of law. *Provided, however,* That nothing in this section contained shall be so construed as to prevent the said company from recovering damages from any person or persons who may commit any of the trespasses aforesaid.

§ 2. *And be it further enacted,* That it shall not be lawful for any person or persons, other than such as shall be engaged in navigating the said canal; or in the employment of the said company, to walk or ride over or upon the aqueduct erected by the said company over the Potomac river, or to lead or drive any animal over or upon the same; and every person offending herein shall be liable to a fine of not less than one dollar nor more than five dollars for each offence, to be recovered with costs, in the name, and for the use of the said company, by warrant before any justice of the peace of the District of Columbia.

§ 3. *And be it further enacted,* That the President and directors of the Alexandria Canal Company, or a majority of them, acting in behalf of the said company, shall be, and they are hereby authorized and empowered, from time to time, to pass all by-laws which may be necessary for the exercise of the powers vested in the said company by the beforementioned act, or which they may consider necessary for the orderly and convenient conducting of the trade and travel upon the said canal, its aqueducts, basins, and other works; and for preventing and removing impediments to the navigation thereof; and the same to alter or repeat at pleasure: *Provided,* That no such by-law be contrary to any law of the United States. And any person who shall wilfully offend against any such by-law, after a copy thereof shall have been set up for public inspection at least ten days at the toll house or houses on the said canal, shall, for every such offence, forfeit and pay to the said company the sum of five dollars to be recovered with costs, in the name of the said company, by warrant before any justice of the peace in the District of Columbia.

§ 4. *And be it further enacted,* That the said president and directors, or a majority of them, acting in behalf of the said company, may prescribe the form, dimensions, and equipments of the boats and floats to be used upon the said canal, with a view to prevent the accidental injury to them, or to the works of the canal, in passing each other, or in passing by or through any of the said works: and if the owner, captain, or other person having charge of any boat or float, shall wilfully or negligently violate, or refuse to comply with, any such regulation, the said president and directors may require such owner, captain, or other person to withdraw his boat or float from the canal by one of the outlets thereof; or, in the event of his failure to do so, on reasonable notice, may order the same to be broken up and removed from the canal, or any of its basins, ponds, aqueducts, or other works; and in like manner may be broken up and removed therefrom any boat or float, or other substance floating loose upon, or sunk therein, the owner of which is unknown, or if known, refuses or neglects, after reasonable notice, to remove the same; and the

materials of every such broken boat, float or other substance, so broken up and removed shall be sold under the direction of the said president and directors; and the proceeds of every such sale, after paying the costs of breaking up and removing the same, shall be paid over to the owner thereof.

§ 5. *And be it further enacted*, That it shall be lawful for the said company to charge the customary rates of dockage and wharfage upon vessels lying at, and goods, and other things laden or unladen at or upon any pier, mole or wharf, which they may erect in the Potomac river in connexion with their said canal, and not interfering with the corporate rights of the city of Alexandria.

§ 6. *And be it further enacted*, That nothing in this act contained, shall be construed to impair any right possessed by the said company before the passage thereof: *Provided always*, That Congress may at any time alter or repeal the foregoing act, or any of its provisions. *Approved, June 17th, 1844.*

Company may charge dockage and wharfage.

Rights of the Company not to be impaired by this act.

Proviso: Congress may alter or repeal this act.

CHAP. 95. An act to provide for the adjustment of land claims within the States of Missouri, Arkansas, and Louisiana, and in those parts of the States of Mississippi and Alabama south of the thirty-first degree of north latitude and between the Mississippi and Perdido rivers.

Act of 1824 c. 173, vol. 3, p. 1866.

§ 1. *Be it enacted, &c.*, That so much of the expired act of the twenty-sixth of May one thousand eight hundred and twenty-four, entitled "An act to enable claimants to land within the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims," as related to the State of Missouri (excluding all such portions of said act as referred to the Territory of Arkansas) be, and is hereby, revived and re-enacted, and continued in force for the term of five years, and no longer; and the provisions of that part of the aforesaid act hereby revived and re-enacted shall be, and hereby are, extended to the States of Louisiana and Arkansas, and to so much of the States of Mississippi and Alabama as is included in the district of country south of the thirty-first degree of north latitude, and between the Mississippi and Perdido rivers, in the same way and with the same rights, powers, and jurisdictions, to every extent they can be rendered applicable, as if the States had been enumerated in the original act hereby revived, and the enactments expressly applied to them as to the State of Missouri; and the district court, and the judges thereof, in each of these States, shall have and exercise the like jurisdiction over the land claims, in their respective States and districts, originating with either the Spanish, French, or British authorities, as by said act was given to the court, and the judge thereof, in the State of Missouri.

Provisions of act of May 26, 1824, so far as they related to the State of Missouri, revived, and extended to embrace the States of Louisiana and Arkansas, and the part of Mississippi and Alabama south of 31st degree of latitude, and between the Mississippi and Perdido rivers.

District Court to have jurisdiction of French, Spanish, and British claims.

Approved, June 17th, 1844.

CHAP. 96. An act concerning the Supreme Court of the United States.

§ 1. *Be it enacted, &c.*, That from and after the passage of this act, the sessions of the Supreme Court, heretofore commenced

Session of Supreme Court to commence the first

Monday in December in each year, and all suits proceedings, &c., to have day there-in, and be heard &c., as if it had not been altered.

ed and held on the second Monday of January, annually, shall instead thereof be commenced and held the first Monday of December, annually; and all actions, suits, appeals, recognizances, processes, writs, and proceedings whatever, pending, or which may be pending in said court, or returnable thereto, shall have day therein, and be heard, tried, proceeded with, and decided, in like manner as if the time of holding said sessions had not been hereby altered.

Justice of Supreme Court only required to attend one term of Circuit Court in each year, term to be designated by him.

§ 2. *And be it further enacted*, That hereafter it shall not be the duty of the Justice of the Supreme Court assigned to any circuit to attend more than one term of the circuit court within any district of such circuit in any one year; such term to be by him from time to time designated with reference to the nature and importance of the business pending therein and the public convenience; and at such term, appeals and writs of error from the district court, questions of law arising upon statements of fact agreed by the parties or specially reserved by the district judge, and cases at law and in equity of peculiar interest or difficulty, shall have precedence in the arrangement of the business of the court; but nothing herein contained shall be construed to take away the right of such Justice of the Supreme Court, in his discretion, to attend any other terms of such circuit court, whenever in his opinion the public interest or special exigencies may require it. *Approved, June 17th, 1844.*

May attend any other terms.

CHAP. 97. An act respecting the northern boundary of the State of Missouri.

One Commissioner to be appointed by Iowa, and one by Missouri, who are to choose a third; the Commissioners then to run the boundary line between Iowa and Missouri, and return plat and reports of the same.

§ 1. *Be it enacted, &c.*, That there shall be appointed by the Governor of Iowa Territory, by and with the consent of the council of said Territory, a commissioner, to act in conjunction with such commissioner as may be appointed by the State of Missouri, and such third person, not a citizen of the State of Missouri or Territory of Iowa, as may be designated by the two commissioners aforesaid; the duty of which said three persons it shall be, to ascertain, survey, and mark out the northern boundary line of the State of Missouri, and to cause plats of the said line, when so ascertained, surveyed, and marked out, to be returned to the offices of the Secretary of State of the United States, of the State of Missouri, and of the Territory of Iowa, which plats shall be accompanied by reports of their proceedings in the premises.

Commissioners to appoint a surveyor, and Commissioners and surveyors to have eight dollars per day; assistants and laborers pay not to exceed two dollars per day.

§ 2. *And be it further enacted*, That said three commissioners, or a majority of them, shall have authority to appoint a surveyor, and engage the necessary assistants and laborers, to enable them to ascertain, survey, and mark the said line; and the compensation of said commissioners, and of the surveyor employed by them, shall be at the rate of eight dollars per day, for so many days as they may necessarily be employed about the business aforesaid; and the laborers and assistants shall be paid such compensation as may be agreed upon between each of them and

the commissioners, or a majority of them, not to exceed two dollars per day.

§ 3. *And be it further enacted*, That the report, as aforesaid, of any two of said commissioners, shall be final and conclusive, and the line so ascertained, surveyed, marked out and returned as aforesaid, by any two of said commissioners, shall be the northern boundary line of the State of Missouri.

§ 4. *And be it further enacted*, That this act shall not go into force until the Legislature of the State of Missouri shall have assented to the same, and agreed to abide by the award of said commissioners, or any two of them, as final and conclusive; and the sum of four thousand dollars is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to carry into effect the provisions of this act.

Approved, June 17th, 1844.

CHAP. 98. An act to extend the charters of the District Banks.

§ 1. *Be it enacted, &c.* That all actions suits and judgments in law or equity commenced and now pending or which may hereafter be commenced by or against either of the banks of the District of Columbia whose charters expire on the fourth day of July eighteen hundred and forty-four for the collection of any debt due or the recovery of any right belonging to said banks shall not abate or be in any manner estopped by reason of the expiration of the charter of the bank commencing the same but may be prosecuted to final judgment and execution in the same manner as though said charter had continued in existence, any law, usage or custom to the contrary notwithstanding; and all goods, chattels, lands, tenements and hereditaments seized on mesne process, attached, levied upon, set off, or in any way assigned and made over to said bank, or which would in any manner have become the property of said bank had the same continued in existence in any action, suit, judgment or execution aforesaid or otherwise, shall enure to the trustee or trustees, assignee or assignees, receiver or receivers of said bank if any shall be appointed by the stockholders or otherwise.

§ 2. *And be it further enacted*, That the trustee or trustees, assignee or assignees, receiver or receivers who may be appointed to collect and receive the assets of any bank whose charter shall expire as aforesaid and to adjust, settle, and liquidate the debts due from said banks shall have full power to commence and institute all necessary actions, suits or other proceedings in law or equity, in the name of said bank, and prosecute the same to final judgment and execution: *Provided*, That the Court in which such legal or equitable proceeding shall be commenced, shall first receive sufficient security for the costs which may be recovered by the opposite party.

Act of 1842, c. 133, ante p. 2878.
 Post c. 170.

CHAP. 100. An act supplementary to an act entitled "An act to regulate arrests on mesne process in the District of Columbia" approved August first, eighteen hundred and forty-two.

No person to be held to bail or imprisoned in a civil action when the debt is less than \$50; and all persons now bailed, or in prison bounds, discharged, and hereafter free from arrest.

§ 1. *Be it enacted, &c.*, That no person shall hereafter be held to bail or imprisoned in any civil action in the District of Columbia, in any case where the debt or claim, exclusive of interest and costs, is less than fifty dollars, and in cases where he may have been, or shall hereafter be, held to bail under the act, to which this is a supplement; and that every person who at the time of the passage of this act, shall be held in prison or prison bounds, in any civil action, except in the cases hereinbefore mentioned, shall thereupon be immediately discharged: *Provided*,

Proviso: If plaintiff makes oath that defendant is about to dispose of his property, or remove with intent to hinder the recovery of payment, and ca. sa. may issue, and the fact be tried; and if defendant is guilty may be imprisoned.

That if any plaintiff in any civil action after judgment shall have been obtained by him or her, shall make oath according to law, that the defendant or defendants has or have conveyed away, lessened, or disposed of his or their property, rights, or credits, or is, or are about to remove, or hath or have removed, his or their property from this District, as he or she believes, with intent thereby to hinder or delay the recovery or payment of his debts, the clerk of the court of the county in which such judgment shall have been rendered, shall thereupon issue a *capias ad satisfaciendum* in the same manner as though this act had not been passed: and upon the arrest of any such defendant or defendants under such *capias ad satisfaciendum*, he or they may be brought by *habeas corpus* before the court of such county, if in term time, and before one of the judges thereof in vacation, and may call upon the plaintiff or plaintiffs, to show cause why he or they, the said defendant or defendants shall not be discharged from said imprisonment; and upon such notice, either party may demand a trial by jury; and thereupon the said court or judge shall direct and issue or issues to be framed upon the affidavit so filed, and shall cause a jury to be impanelled and sworn to try such issue or issues, and if the finding of the jury upon such issue or issues, shall be for the plaintiff, such defendant or defendants, shall be thereupon remanded to prison, and be dealt with as though this act had not been passed: *And provided further*, that nothing in

Proviso; if female not to be taken in custody, nor a non-resident for debts out of the District.

Proviso; this act not to prevent execution of process already in marshal's hands.

this act shall be construed to authorize the custody or imprisonment of any female person on civil process, nor to any non-resident for any debt contracted out of the District of Columbia. *Provided*, That nothing contained in this act shall prevent the execution of process already in the hands of the marshal and not yet executed. *Approved, June 17th, 1844.*

CHAP. 101. An act concerning conveyances, or devises of places of public worship in the District of Columbia.

All conveyances, &c., of places of public worship to be held by trustees for the purpose of the trust.

§ 1. *Be it enacted, &c.*, That when any lot, or part of a lot, tract, or parcel of land has been heretofore conveyed or devised, to one or more trustees, for the use and benefit of any religious congregation as a place of public worship, the same, and all buildings and other improvements thereupon, shall be held by

such trustee or trustees (or their successors) for the purpose of the trust, and not otherwise.

§ 2. *And be it further enacted*, That when any conveyance or devise has been heretofore, or shall hereafter be made, of such property for the use, and benefit, and purpose aforesaid, the same shall not be void or frustrated by reason of the want of trustees to take and hold the same in trust, but trustees may be appointed in the manner hereinafter directed. Not to be void for want of trustees.

§ 3. *And be it further enacted*, That when such conveyance or devise has been heretofore, or shall hereafter be made, whether by the intervention of trustees, or not, the circuit court of the District of Columbia, sitting in the county where such property is, or may be situated, shall, on application of the United States attorney for the District of Columbia, on behalf of the authorized authorities of any such religious congregation have full power and authority to appoint trustees, originally, when there are none, or to substitute others, from time to time, in cases of death, refusal, or neglect to act, removal from the county, or other inability to execute the trust beneficially and conveniently; and the legal title shall thereupon become exclusively vested in the whole number of the trustees and their successors. Circuit court may, upon application, appoint trustees, and legal titles to be in them and their successors.

§ 4. *And be it further enacted*, That a majority of the acting trustees for any such congregation may sue and be sued in their own names, in relation to the title, possession, or enjoyment of such property without abatement by the death of any of the trustees, or substitution of others; but the action or suit may, notwithstanding be, prosecuted to its final termination in the names of the trustees by or against whom the same was instituted, and all other proceedings had in relation thereto, in like manner as if such death or substitution had not occurred; *Provided however*, That such trustees, for the use of any religious congregation, shall not hereafter take or hold at any one time, any tract of land in the county exceeding in quantity fifty acres, or in any incorporated town exceeding three acres; nor shall such real property be held by them for any other use than as a place of public worship, religious or other instruction, burial ground or residence of their minister. *Approved, June 17th, 1844.* Majority of acting trustees may sue, and be sued, &c.
 Provided: not to hold for the use of one religious congregation more than 50 acres of land in the county, or 3 acres in an incorporated town.
 Property only to be held for religious purposes.

CHAP. 102. An act to continue the pensions of certain widows.

§ 1. *Be it enacted, &c.*, That the act granting pensions to the widows of certain revolutionary soldiers approved the third day of March, one thousand eight hundred and forty-three, be and the same is hereby revived and extended from and during the term of four years from and after the fourth day of March, one thousand eight hundred and forty-four, to have the same effect as if said act had been a grant of pensions for five years instead of one year from and after the fourth day of March, one thousand eight hundred and forty-three. Act of 1843, c. 415 ante p. 2996.
 Act of March 3, 1843, granting pensions to widows, extended for 4 years, from March 4, 1844.

§ 2. *And be it further enacted*, That such widows as have

and employments therein before mentioned, except such as were otherwise limited by the act, shall be continued until the first day of July, one thousand eight hundred and forty-four, be and is hereby repealed; and the various provisions of the said act concerning the said several offices and employments thereby legalized are hereby re-enacted, and declared to be in full force and operation until the first day of July, one thousand eight hundred

Provisions of said act re-enacted, and to be in force till July 1, 1845.

For compensation of offices and employments legalized by said act, \$41,682 50.

Secretary of Senate and Clerk of House to continue their additional clerks for one year.

\$9,000 for their compensation.

Sec. to publish monthly the last preceding weekly statement of the Treasurer, &c., and any change made in the depositories of the Treasury.

Quarterly statements of receipts and expenditures to be published.

Number of officers in the custom houses not to be increased, nor to have any allowance than that fixed by law.

and forty-five, and no longer. That, for the compensation of the several offices and employments legalized by the said act of the twenty-sixth day of August, one thousand eight hundred and forty-two, for the fiscal year ending the thirtieth day of June, one thousand eight hundred and forty-five, the sum of forty-one thousand, eight hundred and eighty-two dollars and fifty cents be, and is hereby appropriated. That the Secretary of the Senate, and Clerk of the House of Representatives be, and they are hereby, authorized to continue, for one year, the employment of the additional clerks authorized by any existing resolution of their respective Houses, and the sum of nine thousand dollars be, and hereby is, appropriated for their compensation.

§ 5. *And be it further enacted*, That the Secretary of the Treasury cause to be published in some newspaper of the city of Washington, on the first day of each month, the last preceding weekly statement of the Treasurer of the United States, showing the amount to his credit in the different banks, in the mint, or other depositories, the amount for which drafts have been given, and those remaining unpaid, and the balance remaining subject to his draft; and that he also specially note any changes that have been made in the depositories of the Treasury during the preceding month, and report to Congress, at the commencement of its next session, the reasons for such changes. And that no changes be made except for non-compliance with the instructions of the Department or the failure to furnish sufficient security.

§ 6. *And be it further enacted*, That the Secretary of the Treasury at the expiration of thirty days from the end of each quarter, cause to be published in some newspaper of the city of Washington a statement of the whole receipts of such quarter, specifying the amount received from customs, from public lands, and from miscellaneous sources, and also, the whole amount of payments made during the said quarter, specifying the general head of appropriation, whether for the civil list, the army, the navy, Indian department, fortifications, or pensions.

§ 7. *And be it further enacted*, That the number of inspectors, gaugers, weighers, measurers, or markers, in any custom-house shall not be increased beyond the number now in service; and that no allowance shall be made to any inspector, for any services, subsistence, travelling or any other amount beyond the amount fixed by law of three dollars per day, and not to exceed ten cents per mile for travelling expenses when actually engaged in the performance of his duties at any other place than the port or custom-house from the collector of which he has received his appointment.

Approved, June 17th, 1844.

CHAP. 107. An act making appropriations for the naval service for the fiscal year ending the thirtieth day of June eighteen hundred and forty-five.

§ 2. *And be it further enacted*, That there be and there is hereby appropriated the sum of fifty thousand dollars to purchase American water-rotted hemp for the use of the navy and to pay the cost of agencies of purchase as established by law. And no further purchases of foreign hemp shall be made for the navy of the United States, except so far as a supply of American hemp of proper quality and at as cheap a price cannot be obtained.

American hemp, \$50,000.

Foreign hemp prohibited.

§ 3. *And be it further enacted*, That so much of the first section of the act entitled "An act to regulate the pay of the Navy," approved the third of March one thousand eight hundred and thirty-five, and the twelfth section of an act entitled "An act to regulate the pay of pursers and other officers of the Navy," passed August twenty-sixth, eighteen hundred and forty-two, as provides that officers temporarily performing the duties belonging to those of a higher grade shall receive the compensation allowed to such higher grade, while actually so employed, be and the same are hereby repealed.

Part of act giving officers doing higher duty, the pay of that grade, repealed.
Act of 1835, c. 300, vol. 4, p. 2411.
Act of 1842, c. 231 ante p. 2906.

§ 4. *And be it further enacted*, That no person shall be employed or continued abroad, to receive and pay money for the use of the naval service on foreign stations whether under contract or otherwise, or to perform the duties usually performed by navy agents, who has not been or shall not be appointed by, and with the advice and consent of the Senate; *Provided*, That this shall not apply to the disbursement of any sum now in the hands of any person heretofore employed for such purposes.

Disbursing agents abroad to be confirmed by the Senate.

Proviso.

§ 5. *And be it further enacted*, That the Secretary of the Navy be empowered to relinquish and pay all reservations of the ten per centum upon deliveries made under all contracts with the Navy Department where these reservations have arisen and the contracts been afterwards extended, or where the contracts have been completed after the time of delivery by and with the consent of the Department, or in all cases where the contracts have been dissolved by the like consent, or been put an end to, or an extension thereof been prevented by operation of law, when no injury has been sustained by the public service; *Provided*, That this section shall not extend or apply to any case where the reservations shall have been made on contracts which have been expired more than five years before the first day of January last.

Secretary may relinquish and pay all of ten per cent. on deliveries.

Proviso.

§ 6. *And be it further enacted*, That the sum of fifty thousand dollars be and the same is hereby appropriated, for the commencement of fortifications on the Florida reef, including Key West, and the Dry Tortugas, at such position as, in the opinion of the President, may be best adapted for the command of the straights of Florida, and the general defence of the Gulf of Mexico. *Approved, June 17th, 1844.*

\$50,000 for fortifications on Florida reef.

RESOLUTIONS.

[No. 1.] A joint resolution accepting the sword of Washington and staff of Franklin.

Preamble.

Whereas, by a joint resolution which passed both Houses of Congress during the third session of the twenty-seventh Congress, the sword of *Washington* and the staff of *Franklin*, presented to Congress by Samuel T. Washington, of Kenawha county, Virginia, were accepted in the name of the nation, and the thanks of Congress were presented therefor to the donor, and the President of the United States was directed to communicate to the said Samuel T. Washington a copy of said resolution. And whereas, said resolution did not reach the President of the United States before the adjournment of Congress, and did not therefore receive his approval and signature. And whereas, the President of the United States did communicate to the said Samuel T. Washington a copy of said resolution: Therefore, in order to vest the title to said relics in the United States,

Sword and Staff accepted; to be deposited in State Department

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the said sword and staff are hereby accepted in the name of the Nation, and they be deposited in the Department of State of the United States for safe keeping. *Approved, March 4th, 1844.*

[No. 2.] Joint resolution of respect for the memory of the donor of the Camp Chest of General Washington.

Sense of the value of the bequest testified to the widow and family of W. S. Winder, by Congress.

Resolved, &c., That the Senate and House of Representatives take pleasure in recognising to the widow and family of the late William Sydney Winder, their high sense of the value of the bequest contained in his will, and in expressing their respect for the memory of the donor. *Approved, April 30th, 1844.*

[No. 3.] Joint resolution accepting the Camp Chest of General Washington.

Camp Chest accepted, and to be deposited as a precious relic in the Dept. of State.

Resolved, &c., That the Camp Chest of General George Washington, which he used during the revolutionary war, bequeathed, by the last will of the late William Sydney Winder to the Congress of the United States, be and the same is hereby accepted, and that the same be deposited, as a precious relic to be preserved in the Department of State.

Approved, April 30th, 1844.

Post. Resolution no. 11.

[No. 5.] Joint resolution providing for the printing of additional copies of the journals and public documents.

Fifty additional copies of Senate Journals and documents, and 100 of those of the House of Representatives to be printed.

Resolved, &c., That there shall hereafter be printed fifty copies of the public journals and documents of the Senate, and one hundred copies of the public journals and documents of House of Representatives, in addition to the number now required by law to be printed; and that fifty copies of said journals and documents, in addition to the number now deposited with the Sec-

retary of State, shall hereafter be annually delivered to that officer for distribution according to law; and the residue of said journals and documents shall be deposited in the Library of Congress. *Approved, April 30th, 1844.*

Fifty additional of each to be sent to the Secretary of State for distribution.
Residue to be deposited in the Library of Congress.

[No. 6.] Joint resolution in relation to certain property purchased for the use of the United States at the port of Bath, in the State of Maine.

Resolved, &c., That the Secretary of the Treasury shall have charge of a certain lot, with the buildings thereon and appurtenances, late the property of the President, Directors and Company of the Bath Bank, in the town of Bath, in the State of Maine, taken in execution at the suit of the United States, some years since, sold and bought in by the United States some years since; and he shall have power to set apart the said premises for the use of a custom-house and such other public uses as he may judge to be expedient and proper, until the further order of Congress in the matter. *Approved, May 23d, 1844.*

Secretary of the Treasury to have charge of a lot sold as property of the Bath Bank, and bought in by the United States, and to set aside the same for the use of a custom-house.

[No. 9.] Resolution authorizing the corporation of Baltimore to use a building of the United States at Lazaretto Point.

Resolved, &c., That the mayor and city council of Baltimore be and they are hereby authorized to use, as often as may be found necessary, the public building at Lazaretto Point, near the harbor of the port of Baltimore, for the reception and accommodation of such passengers in ships or vessels arriving at that port as may from time to time be reported in an unhealthy state. *Provided,* That in such use of said building by the city of Baltimore, the same shall not interfere with or obstruct the occupation thereof in the manner and for the purposes required by the Government. *And provided, further,* That the said occupation of said building by the city of Baltimore, shall be discontinued or suspended upon the requisition of the Secretary of the Treasury, whenever he shall deem it necessary for the use of the Government. *Approved, June 3d, 1844.*

Corporate authorities of Baltimore may use building at Lazaretto Point to accommodate ship passengers reported to be unhealthy.

Provide: not to interfere with the use by Government.

Provide: use to be discontinued on the requisition of the Secretary of the Treasury.

[No. 10.] A resolution respecting receipts issued by the Treasurer of the United States, in payment for public land.

Resolved, &c., That any certificates which have been issued by the Treasurer of the United States, in favor of individuals who have deposited moneys at the Treasury in payment for lands intended by them to be purchased under the act of Congress approved April the twenty-fourth, in the year of our Lord one thousand eight hundred and twenty, entitled "An act making further provision for the sale of the public lands," and which certificates have been assigned, may be received in payment for public lands purchased at public sale or by private entry; and any receiver of public moneys who may have received such certificates in payment, as aforesaid, may be credited with the amount thereof, upon delivering them duly transferred to the Treasury.

Act of 1820, c. 49, vol. 3, p. 1774.

Treasurer's certificates of deposits for the purchase of lands under act of April 24, 1820, when assigned to be received in payment for public lands.

Approved, June 12th, 1844.

Ante Resolution No. 5. [No. 11.] A resolution suspending the joint resolution providing for the printing of additional copies of the journals and public documents.

Suspended till the commencement of the next session of Congress.

Resolved, &c., That the resolution "providing for the printing of additional copies of the journals and public documents," shall be suspended and take effect only from the commencement of the next session of Congress. *Approved, June 12th, 1844.*

[No. 12.] A resolution to continue two clerks in the business of reservations and grants under Indian treaties.

Continued till otherwise directed by Congress.

Resolved, &c., That the authority given to the Secretary of War by the joint resolution approved May eighteenth, one thousand eight hundred and forty-two, to continue for two years the employment of two clerks in the business of reservations and grants under Indian treaties, is hereby extended and continued till otherwise directed by Congress

s. approved, June 12th, 1844.

[No. 14.] A joint resolution in relation to the transmission of the British mail between Boston and Canada, and for other purposes.

Postmaster General to make arrangements with the British Government for transmission of the mails in their unbroken state between Boston and Canada.

Resolved, &c., That the Postmaster General be and he is hereby authorized to make such arrangements as may be deemed expedient with the Post Office Department of the British government for the transmission of the British mail in its unbroken state or condition between Boston and Canada.

Postmaster General to make arrangements with the authorities of France and Germany and owners of vessels for transmission of mail between U. S. and Europe:

Be it further resolved, That the Postmaster General be and he is hereby authorized to enter into such arrangement or arrangements with the proper authorities in France and Germany, and the owners or agents of vessels plying regularly between those countries and the United States, whereby a safe and as near as possible a regular direct mail communication, under official guaranty, between the United States and the continent of Europe, viz: the ports of Bremen in Germany and Havre in France, and such other principal ports on said continent as the Postmaster General may deem most proper, shall be secured—so that the entire inland and foreign postage on letters and all other mail matter, sent over sea from and to the United States, to and from any part of France and of the States comprehended within the German Customs Union, and of those countries on the continent, between which and France and of the said German States there exists a continued arrangement of the like kind, may be paid at the place where they are respectively mailed or received. *Approved, June 15th, 1844.*

Ports of Bremen and Havre, and others, to be secured so that the postage may be paid where mailed.

[No. 16.] A joint resolution authorizing the transfer of certain clerks in the Treasury Department.

Sec. of Treasury may transfer three clerks to collect and arrange statistical information of the several States and Territories annually.

Resolved, &c., That the Secretary of the Treasury be, and is hereby authorized to transfer from any office or offices of the Treasury Department from which their services may in his opinion be dispensed with, three or more clerks to be employed under his direction in collecting, arranging and classifying such sta-

tistical information as may be procured, showing or tending to show each year the condition of the agriculture, manufactures, domestic trade, currency, and bands, of the several States and Territories of the United States. The clerks which may be transferred and employed under this authority shall receive the same salaries as at present—and a report containing the results of the information obtained upon the before mentioned subjects, shall be annaually made to Congress by the Secretary of the Treasury, on the first Monday of January.

Clerks to receive same pay as now.

Report to be made to Congress annually.

Approved, June 15th, 1844.

[No. 17.] A resolution relating to the public lands appertaining to the armories of Springfield and Harper's Ferry.

Resolved, &c., That the Secretary of War be, and he is hereby authorized to alter, establish and settle the boundary lines between the United States' lands at the Springfield armory and the contiguous lands belonging to the town of Springfield in the State of Massachusetts and to individual citizens, in such a way as may be best calculated to allow the laying out and altering of streets and highways for the mutual convenience and advantage of all parties; and for this purpose he is further authorized to exchange and convey, and to receive from the corporate authorities of Springfield, or to and from individual proprietors, such fractional parts of land as may be necessary for the accomodation and convenience of the town of Springfield in running its public streets and highways, and of the armory in securing the safety of, and free access to its workshops, arsenals, and other public buildings; and to grant on the part of the United States, and receive from the corporate authorities of Springfield or from individual proprietors, deeds and titles for the lands so exchanged and disposed of to establish convenient boundaries.

Soc. of War may alter the boundaries so as to allow the laying out and altering the streets for the public convenience.

May exchange convey or receive land for that purpose.

§ 2. *And be it further resolved,* That the Secretary of War be and he is hereby authorized and empowered to ratify and confirm an exchange of land at Harpers's Ferry in the State of Virginia, which has been made between the United States and the Wager family for the purpose of securing a more convenient access to the workshops of the United States armory at that place, and to give and receive deeds to and from the persons lawfully holding the land thus obtained from the United States, and the legal owners of the land, the occupancy of which was transferred to the United States in exchange therefor.

Authorized to ratify the exchange made with the Wager family of land at Harpers's Ferry, and give and receive deeds for the same.

Approved, June 17th, 1844.

[No. 18.] Joint resolution tendering the thanks of Congress to the British authorities at Gibraltar, and the commander, officers, and crew of her Brittanic Majesty's ship Malabar.

Resolved, &c., That the President of the United States be requested to communicate to the British Government, in such manner as he may deem proper, the high sense entertained by Congress of the generous zeal displayed by the British authori-

President to communicate to them the high sense of Congress of their zeal and generosity displayed on the

owning of the
steam frigate
Missouri. ties at Gibraltar, and the Commander, officers and crew of her
Brittanic Majesty's ship Malabar in endeavoring to save from de-
struction the American steam frigate Missouri, and in preserving
the lives of her officers and crew, as well as of the kindness and
hospitality which characterized their treatment of the ship's com-
pany of that vessel, after her unfortunate destruction by fire.

Approved, June 17th, 1844.

OF

THE UNITED STATES ;

Passed at the Second Session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the second day of December, one thousand eight hundred and forty-four.

JOHN TYLER, President. WILLIE P. MANGUM, President of the Senate, protempore. JOHN W. JONES, Speaker of the House of Representatives.

CHAP. 1. An act to establish a uniform time for holding elections for electors of President and Vice President in all the States of the Union.

§ 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the electors of President and Vice President shall be appointed in each State on the Tuesday next after the first Monday in the month of November of the year in which they are to be appointed. *Provided,* That each State may by law provide for the filling of any vacancy or vacancies which may occur in its college of electors when such college meets to give its electoral vote. *And provided also,* when any State shall have held an election for the purpose of choosing electors, and shall fail to make a choice on the day aforesaid, then the electors may be appointed on a subsequent day in such manner as the State shall by law provide. *Approved January 23d, 1845.*

Election day.

Vacancies.

In case of no election.

CHAP. 2.—An act to correct a clerical error in the act supplementary to an act to regulate arrests on mesne process in the District of Columbia, and to amend the title thereof.

§ 1. *Be it enacted, &c.,* That the act entitled “An act supplementary to an act entitled ‘An act to regulate arrests on mesne process in the District of Columbia,’ ” approved June seventeenth, eighteen hundred and forty-four, be corrected, so as to insert, between the words “and” and “in,” in the sixth line, the words “in cases where the principal of the debt exceeds that amount, no person shall be imprisoned as aforesaid, except”.

Correction of the error.

Act of 1844, c. 100.

Title amended.

§ 2. *And be it further enacted*, That the title of the said act be amended by adding the words: "and to abolish imprisonment for debt in the District of Columbia, except in cases of fraud."

Certain suits or actions excepted.

3. *And be it further enacted*, That nothing in the said act passed the seventeenth of June, one thousand eight hundred and forty-four, or in this act, shall be so construed as to extend to any suit or action brought by the corporate authorities of either of the cities of the said District to recover a penalty imposed by any ordinance or by-law of such corporation for an infraction of its by-laws and ordinances.

Approved, February 4th, 1845.

CHAP. 4.—An act confirming and assenting to an act of the Legislature of Virginia entitled "An act further to amend the act incorporating the Chesapeake and Ohio Canal Company."

Act confirmed.

§ 1. *Be it enacted, &c.*, That the act of the Legislature of Virginia, entitled "An act further to amend the act incorporating the Chesapeake and Ohio Canal Company," which was passed on the twentieth day of January, in the year one thousand eight hundred and forty-four, be, and the same is hereby, ratified, confirmed, and assented to: *Provided*, That this assent and confirmation shall not be so construed as to bind the United States beyond their interest in the stock in said company, nor as either affirming or denying the validity of the rights or liens of the State of Maryland referred to in the third section of the said act of Virginia: *Provided, also*, That nothing herein contained shall be held or construed to impair the rights of any individual or corporation derived from the original act of incorporation of the said Chesapeake and Ohio Canal Company.

Prov.

Further proviso.

Approved, February 7th, 1845.

CHAP. 5.—An act to repeal "An act for the better organization of the district court of the United States within the State of Louisiana," and for other purposes.

Act repealed.
Act of 1823, c.
172, vol. 3, p. 120.

§ 1. *Be it enacted, &c.*, That the act entitled "An act for the better organization of the district court of the United States within the State of Louisiana," approved on the third of March, one thousand eight hundred and twenty-three, be, and the same is hereby, repealed.

Actions or suits
pending, &c., to
be transferred to
District Court at
New Orleans.

§ 2. *And be it further enacted*, That all criminal actions or civil suits which have arisen in the district court of the United States for the western district of the State of Louisiana, and which are now pending therein, together with all process, writs, recognizances, and records, belonging thereto, shall be transferred to New Orleans, and there disposed of by the district court of the United States for the eastern district of Louisiana, as suits are disposed of originating in the eastern district of said State.

One term to be
held annually for
the business of
the western
district.

§ 3. *And be it further enacted*, That the district court of the United States for the State of Louisiana shall hold one term of said court, in each and every year, in the city of New Orleans, which shall commence on the first Monday of January, and continue unless the business shall be disposed of, for the trial of all

criminal actions and civil suits which have arisen, or which may hereafter arise, within the present limits of the said western district of the State of Louisiana.

Approved February 13th, 1845.

CHAP. 13. An act for the purchase of certain copies of the History of Oregon, California, and the other Territories on the Northwest coast of America.

§ 1. *Be it enacted, &c.*, That the Secretary of State be, and he hereby is, authorized to purchase from Robert Greenhow one thousand five hundred copies of the History of Oregon, California, and the other Territories on the northwest coast of America, published by him. *Provided*, That the said copies be furnished at a rate not exceeding two dollars per copy. Purchase of
1500 copies au-
thorized.

§ 2. *And be it further enacted*, That the sum of three thousand dollars, or so much thereof as may be necessary for the purchase of said books, be, and the same hereby is appropriated, out of any moneys in the Treasury not otherwise appropriated. Appropriation
therefor.

§ 3. *And be it further enacted*, That from the said copies, so purchased, one shall be furnished to the President and one to the Vice President of the United States; one to the attorney general, and one to each of the heads of the departments; one to each of the judges of the Supreme Court of the United States; one to each member of the present Congress; one to the Governor and one to the Secretary of State of each State and Territory in the Union; and that twenty copies shall be deposited in the library of Congress, twenty copies in the office of the Secretary of the Senate, and thirty copies in the library of the House of Representatives; and that the Secretary of State be, and he is hereby, authorized to distribute copies of said work to ministers and diplomatic agents of this government, and of such foreign governments as are in the habit of furnishing to this government works published by them; and to universities, colleges and literary institutions now entitled to receive congressional documents printed by order of either House, allowing one copy to each; and the remaining copies, if any, to be kept by the Secretary of State, in his department, subject to the order of Congress. Distribution
thereof.
Approved, February 20th, 1845.

CHAP. 15. An act restricting the grant of pensions in certain cases.

§ 1. *Be it enacted, &c.*, That from and after the passage of this act a pension shall not be granted to any widow for or during any part or portion of the time her husband may have received one, whose declaration therefor shall not have been made on or before the thirtieth day of April one thousand eight hundred and forty-four and shall not have been received at the pen- Widows' pen-
sions limited.
~~tion~~ on or before the twenty-third day of January one
red and forty-five. *Approved, February*

Act of 1835 c. 145, vol. 3, p. 1879. CHAP. 16. An act to quiet the title to certain lots of land in the towns of Perrysburg and Croghansville, in the State of Ohio.

Lots of which the titles are confirmed.

§ 1. *Be it enacted, &c.* That all titles to town lots and out lots in the towns of Perrysburg and Croghansville, in the State of Ohio, derived from said State under color of the grant made to said State by virtue of the act of Congress entitled "An act for laying out and making a road from the lower rapids of the Miama of Lake Erie to the western boundary of the Connecticut western reserve, in the State of Ohio, agreeably to the provisions of the treaty of Brownston," approved the twenty-eighth of February, one thousand eight hundred and twenty-three, be, and the same are hereby, recognized as valid and confirmed, in the same manner as though the title to said lots had been vested in the State under the aforesaid act: *Provided*, That the authorities of the said State shall, within one year from and after the passage of this act, furnish the Commissioner of the General Land Office with a certified list of all lots heretofore sold and disposed of under color of the above recited act: *And provided, also*, That all the confirmations intended by this act shall amount only to a relinquishment forever, on the part of the United States, of all their right and title whatever to the lots of land so confirmed: *And provided, further*, That nothing in this act contained shall be construed to comprehend within the provisions thereof such town lots and out lots, or other tract or tracts of land, as may have been reserved, or directed to be reserved, within the limits of either of said towns of Perrysburg or Croghansville, for the support of schools within the same, in and by the third section of the act entitled "An act providing for the sale of the tract of land at the lower rapids of Sandusky river," or in and by any provision contained in the act entitled "An act providing for the sale of the tract of land at the British fort of the Miama of the Lake, at the foot of the rapids, and for other purposes." But all such town lots and out lots, or other tract or tracts of land, reserved, or directed to be reserved, as aforesaid, shall be holden subject to the uses and trusts in said acts, and in other acts relating to such reserves, designated or intended. But nothing contained in this act shall prevent the original purchasers of the lots or lands within the limits of the said towns of Perrysburg and Croghansville, and not relinquish to the United States, from paying to the State of Ohio of the General Government for the use of said road or the United States the money with the interest remaining due thereon, or all such lots and lands as may not have heretofore been disposed of by the authorities of the said State for the benefits of said road.

List of lots to be furnished to Gen. Land Office.

These confirmations are only a relinquishment of the right of the U. S.

Lands not comprehended in this act.

Payments due the U. S. and Ohio not affected.

Approved, February 20th, 1845.

CHAP. 17. An act to amend the act entitled "An act to provide for the enlistment of boys for the naval service, and to extend the term of enlistment of seamen."

§ 1. *Be it enacted, &c.*, That, from and after the passage of

this act, the provisions of the second and third sections of the act entitled "An act to provide for the enlistment of boys for the naval service, and to extend the term of enlistment of seamen," approved March second, one thousand eight hundred and thirty-seven, which authorize and provide for the detention of any person enlisted for the navy, after the expiration of the enlistment, until the return of such person to the United States, shall be understood and construed to authorize and provide for the detention of such person until the arrival of the vessel in which he shall be so detained at a port of the United States, and until he shall have received his regular discharge by order of the Secretary of the Navy: *Provided*, That such detention shall not exceed the term of thirty days from the time of the arrival of the said vessel in a port of the United States.

Seamen to be detained under 2d and 3d sects. act 2d March, 1837, until arrival of vessel in U. S., and until discharged.
Act of 1837, c. 389, vol. 4, p. 2535.

Provviso: Detention limited.

§ 2. *And be it further enacted*, That the commanding officer of any vessel, squadron or fleet of the navy of the United States, when upon the high seas or in any foreign port where there is no resident consul of the United States, shall be and is hereby authorized and empowered to exercise all the powers of a consul in relation to mariners of the United States.

Naval officers clothed with powers of consuls in certain cases.

Approved, February 20th, 1845.

CHAP. 18. An act to organize a new land district in the southern part of the State of Arkansas.

§ 1. *Be it enacted, &c.*, That the section of country in the southern part of the State of Arkansas, south of the base line, and east of the meridian, comprised within the following boundaries, to wit: between the line dividing ranges five and six on the east, the line dividing ranges twenty and twenty-one on the west, the dividing line between townships ten and eleven on the north, and the State line on the south, be made to form a separate district, to be called the Champagnole district, the seat of the land office for which shall be at the town of Champagnole, and be subject to removal by the President of the United States, whenever, in his judgment, it may be proper so to do.

Champagnole land district established.

Office to be at Champagnole.

§ 2. *And be it further enacted*, That there shall be a register and receiver of public moneys appointed for said land district, who shall give security in the same manner and in the same sums, and whose duties and authority, compensation and emoluments, shall in every respect be the same, in relation to the lands to be disposed of in said district, as are or may be provided by law in relation to the registers and receivers of public money in the several offices established for the sale of the public lands.

Register and receiver to be appointed, &c.

§ 3. *And be it further enacted*, That it shall be the duty of the registers and receivers for the districts of land subject to sale at Little Rock and Washington, in the State aforesaid, under the direction of the Commissioner of the General Land Office, to transfer to the register and receiver for the district hereby created all the proper evidences, documents, records, and township plats, in relation to lands heretofore sold or subject to sale at those

Registers and receivers at Little Rock and Washington to transfer documents, records, &c.

offices, respectively, which fall within the limits of the district hereby created.

This act to take effect in three months.

§ 4. *And be it further enacted*, That, this act shall take effect and be in force from and after the expiration of three calendar months from the date of the passing hereof.

Approved, February 20th, 1845.

CHAP. 19. An act supplementary to "An act to repeal 'an act for the better organization of the district court of the United States within the State of Louisiana,'" and for other purposes, approved February thirteenth, one thousand eight hundred and forty-five.

Act of 1845, see ante.

Circuit court causes in district court for western district transferred to circuit court for eastern district.

§ 1. *Be it enacted, &c.*, That all the causes now pending in the district court of the United States for the western district of the State of Louisiana, which appropriately belong to the circuit court jurisdiction, shall be transferred to the circuit court of the United States for the eastern district of Louisiana, there to be proceeded in according to law, and in the same manner, as if they had originated in that court; and the causes which belong to the jurisdiction of the district court shall be and remain in the district court for the eastern district court, to be proceeded in according to law, and in the same manner as if they had originated therein.

Approved, February 26th, 1845.

CHAP. 20. An act extending the jurisdiction of the district courts to certain cases, upon the lakes and navigable waters connecting the same.

In matters of contract and tort, district courts to have the same jurisdiction upon the lakes as they have upon the high seas.

§ 1. *Be it enacted, &c.*, That the district courts of the United States shall have, possess, and exercise, the same jurisdiction in matters of contract and tort, arising in, upon, or concerning, steamboats and other vessels of twenty tons burden and upwards, enrolled and licensed for the coasting trade, and at the time employed in business of commerce and navigation between ports and places in different States and Territories upon the lakes and navigable waters connecting said lakes, as is now possessed and exercised by the said courts in cases of the like steamboats and other vessels employed in navigation and commerce upon the high seas, or tide waters, within the admiralty and maritime jurisdiction of the United States; and in all suits brought in such courts in all such matters of contract or tort, the remedies, and the forms of process, and the modes of proceeding, shall be the same as are or may be used by such courts in cases of admiralty and maritime jurisdiction; and the maritime law of the United States, so far as the same is or may be applicable thereto, shall constitute the rule of decision in such suits, in the same manner, and to the same extent, and with the same equities, as it now does in cases of admiralty and maritime jurisdiction; saving, however, to the parties the right of trial by jury of all facts put in issue in such suits, where either party shall require it; and saving also to the parties the right of a concurrent remedy at the common law, where it is competent to give it, and any concurrent remedy

Modes of proceeding, &c.

Decisions, how to be made.

which may be given by the State laws, where such steamer or other vessel is employed in such business of commerce and navigation. *Approved, February 26th, 1845.*

CHAP. 21. An act for the relief of the president and directors of the Dismal Swamp Canal Company.

§ 1. *Be it enacted, &c.,* That the said company are hereby authorized to retain the dividends hereafter to be declared, and now on hand, on eight hundred shares held by the United States in the stock of said canal company, to be applied to refund the principal and interest on thirty-two thousand seven hundred and twelve dollars and thirty-two cents—moneys advanced by said company to complete the work originally undertaken, and partly executed, by the agents of the United States; and that the same be paid to the company before any of the dividends accruing on said stock be paid into the Treasury of the United States.

Approved, February 26th, 1845.

U. States portion of dividends on the canal stock to be retained to refund the company for moneys advanced.

CHAP. 22. An act explanatory of an act entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year one thousand eight hundred and thirty-nine."

§ 1. *Be it enacted, &c.,* That nothing contained in the second section of the act entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year one thousand eight hundred and thirty-nine," approved on the third day of March, one thousand eight hundred and thirty-nine, shall take away, or be construed to take away or impair, the right of any person or persons who have paid or shall hereafter pay money, as and for duties, under protest, to any collector of the customs, or other person acting as such, in order to obtain goods, wares, or merchandise, imported by him or them, or on his or their account, which duties are not authorized or payable in part or in whole by law, to maintain any action at law against such collector, or other person acting as such, to ascertain and try the legality and validity of such demand and payment of duties, and to have a right to a trial by jury, touching the same, according to the due course of law. Nor shall any thing contained in the second section of the act aforesaid be construed to authorize the Secretary of the Treasury to refund any duties paid under protest; nor shall any action be maintained against any collector, to recover the amount of duties so paid under protest, unless the said protest was made in writing, and signed by the claimant, at or before the payment of said duties, setting forth distinctly and specifically the grounds of objection to the payment thereof. *Approved, February 26th, 1845.*

Construction of 2d section act 2d March, 1839, relative to duties paid under protest.

Act. of 1839. c. 376.

CHAP. 23. An act vesting in the county commissioners of the county of Wyandot the right to certain town lots and out lots in the town of Upper Sandusky, in the State of Ohio.

§ 1. *Be it enacted, &c.,* That the right to the one-third part of the unsold town lots in the town of Upper Sandusky, by the

Lots to which the right is vested.

Act, of 1843. c. act entitled "An act providing for the sale of certain lands in the States of Ohio and Michigan, ceded by the Wyandot tribe of Indians, and for other purposes," passed March third, one thousand eight hundred and forty-three, directed to be laid out and surveyed, and to one-third part of the out lots of said town, be and hereby is, vested in the county commissioners of the county of Wyandot, in the said State of Ohio; on condition, nevertheless, that said commissioners, or other competent authorities of said State of Ohio, shall permanently locate and fix the seat of justice of the county at said town, and that the nett proceeds of the sales of said town and out lots be applied by said county commissioners, or other proper authorities, to the erection of public buildings, and the improvement of the public squares and public grounds in said town.

Conditions of transfer.

Lots, how to be selected.

Proviso: certain lots excepted.

§ 2. *And be it further enacted*, That the town lots and out lots of said town of Upper Sandusky, so to be granted and applied, shall be selected by alternate and progressive numbers, (every third town lot and every third out lot, according to their numbers, respectively, being granted and applied as aforesaid) under the direction and subject to the control of the Secretary of the Treasury: *Provided*, That nothing herein contained shall be so construed as to grant to and vest in said county commissioners any lot or lots heretofore appropriated to and used by the Indian agency at Upper Sandusky, and upon which there may remain any valuable building, orchard, or other valuable improvement, belonging to the United States; and if any such town lot or out lot, so by its progressive number selected, should be found to comprise and include any such valuable building, orchard, or other valuable improvement, then the said Secretary of the Treasury is hereby authorized and directed to substitute some other lot or lots, of a fair and proportionate value.

Approved, February 26th, 1845.

CHAP. 24. An act to authorize the South Carolina Railroad Company to import certain pipes and machinery free of duty.

Secretary of the Treasury to prescribe the regulations of importation.

§ 1. *Be it enacted, &c.*, That the South Carolina Railroad Company be, and hereby is, authorized to import into the United States, without payment of duties thereon, all such pipes as have been or may be invented or used for the application of the atmospheric pressure, as a propelling power on railroads, not to exceed what is sufficient for a road one mile in length, and also all the machinery connected therewith, or which is necessary for the use and working thereof, under such regulations as the Secretary of the Treasury may prescribe.

Approved, February 26th, 1845.

CHAP. 25. An act to amend an act entitled "An act to carry into effect, in the States of Alabama and Mississippi, the existing compacts with those States with regard to the five per cent fund and the school reservations."

So much of the 4th sec. of the

§ 1. *Be it enacted, &c.*, That so much of the fourth section

of the act entitled "An act to carry into effect, in the States of Alabama and Mississippi, the existing compacts with those States with regard to the five per cent. fund and the school reservations," as purports to require that a quantity of land, equal to the one thirty-sixth part of the lands lying within the State of Alabama, which were disposed of, or directed to be disposed of, in and by the treaty between the United States and the Chickasaw Indians, made and concluded at the city of Washington on the twenty-fourth day of May, one thousand eight hundred and thirty-four, shall be selected, under the direction of the Secretary of the Treasury, within any land district in said State of Alabama, contiguous to said lands within said State so disposed of, &c., by the said Chickasaws, as aforesaid, be, and the same is hereby, repealed: *Provided*, That nothing herein contained shall be so construed as in any wise to affect the validity and binding force of any such selections as may heretofore have been made, in virtue of said fourth section, and sanctioned and accepted by the inhabitants of those surveyed townships, respectively, for whom they may have been made, as an equivalent and substitute for section number sixteen, within such surveyed township.

act as requires the Secretary of the Treasury to select the lands granted for schools in the Chickasaw purchase, repealed.

Act, of 1836, c. 355, vol. 4. p. 2502.

Proviso: selections made. not affected.

§ 2. *And be it further enacted*, That said lands equal in quantity to one thirty-sixth part of the lands so, in virtue of said treaty, disposed of, &c., within said State of Alabama, (deducting therefrom such quantity, if any, as may have been selected, as aforesaid, under the authority of said fourth section, and accepted, as aforesaid, in lieu of said section number sixteen, by the inhabitants of the proper surveyed township,) may be selected under the direction of the Governor of Alabama, at any time within two years from the passing of this act, in sections, half sections, quarter sections, or previously defined fractions, out of any of the surveyed public lands, within any of the land districts in the States of Alabama or Mississippi, subject to sale at private sale, and not in any wise encumbered by any prior claim, lien, or reservation, as the Governor of the said State of Alabama may direct. But the same selections, respectively, shall not be holden to have been perfected, until the same, as from time to time they shall have been made, shall have been reported to the Commissioner of the General Land Office, together with proofs, taken in such manner as the Legislature of the State of Alabama shall prescribe, of the assent of the inhabitants of the surveyed townships, respectively, for whose benefit the same may have been selected; and that the said inhabitants consent to and accept the same, in lieu of, and as a full equivalent for, the school section which, by the sixth section of the act entitled "An act to enable the people of the Alabama Territory to form a Constitution and State Government, and for the admission of such State into the Union, on an equal footing with the original States," was guarantied to them.

Governor of Alabama authorized to select the lands within two years

What is requisite to perfect the selections.

Act of 1819, c. 170 vol. 3, p. 1794.

§ 3. *And be it further enacted*, That when the land shall have been so as aforesaid selected and reported, and, as aforesaid,

Land when the selections are made and perfected

ed, to vest in Alabama, subject to the user, &c. of 16th sections.

Governor of Alabama to notify the Register of the land office of his selections.

Land selected to be withdrawn from sale.

so accepted by said inhabitants of said surveyed township, respectively, the same shall vest in the State of Alabama, subject to the same disposition and uses; and shall be holden subject to the same conditions and terms, in all respects whatsoever, as, by the said sixth section of the act herein above referred to, were prescribed or intended in relation to sections number sixteen, within said State of Alabama. And it shall be competent for the said Governor of Alabama, as from time to time such selections may be made, and before they are perfected as aforesaid, to give notice thereof to the register of the proper land office of the land district in which such selection may be made, in such form as the Commissioner of the General Land Office shall prescribe; and thereupon, the land so selected shall, during such convenient time as such Commissioner of the General Land Office may prescribe, be considered, for the time being, as withdrawn from sale, and not subject to entry.

Approved, February 26th, 1845.

CHAP. 26. An act to amend the act entitled "An act making appropriations for the naval service for the fiscal year ending the thirtieth day of June, one thousand eight hundred and forty-five.

2d sec. act 17th June, 1844, not applicable to officers on foreign stations, until after receipt of information of its passage.

Act of 1844.

§ 1. *Be it enacted, &c.* That the third section of the act entitled "An act making appropriations for the naval service for the fiscal year ending the thirtieth day of June, one thousand eight hundred and forty-five," approved June seventeen, one thousand eight hundred and forty-four, shall not be understood or construed to apply to the claim of an officer employed on a foreign station who would be entitled, under the provisions of previous acts of Congress, to receive the pay of a higher grade, while temporarily performing the duties of such higher grade, until information of the passage of the said act shall have been received on board of the vessel to which such officer was or is attached.

Approved, February 26th, 1845.

CHAP. 28. An act to authorize a relocation of land warrants number three, four and five, granted by Congress to General Lafayette.

Holders of the warrants authorized to enter other lands upon exhibiting evidence of their right to said warrants.

§ 1. *Be it enacted, &c.* That the legal holders or assignees of land warrants number three, four and five, granted by the act of Congress of twenty-seventh March, one thousand eight hundred and four, to General Lafayette, and located at Point Coupee, in the State of Louisiana, in three adjoining surveys of one thousand acres each, and which locations are shown to have been made in material conflict with several older and better grants, shall upon exhibiting to the register and receiver of any land office within the State of Louisiana, his or their evidence of right to the warrants above described, be permitted, under the same rules and restrictions of the original law under which said locations were authorized, to enter and locate like quantity of land on any of the unappropriated public lands in the State of Louisiana: *Provided*, That before any such register and receiver shall issue to such holders or assignees any certificate of relocation, the holders

Provided.

or assignees shall deposite a copy of their deraignment of title from General Lafayette, and a release of title to the lands located at Point Coupee. *Approved, February 26th, 1845.*

CHAP. 32. An act to alter the corporate limits of Georgetown.

Alteration.

§ 1. *Be it enacted, &c.,* That the present corporate limits of the town of Georgetown, in the District of Columbia, be and they are hereby so altered and amended as to exclude therefrom so much of the territory within said present limits as lies west of the west line of Fayette street, and between the north line of Third street and a line drawn west and parallel therewith from a point on the said west line of Fayette street at the end of sixty feet north of the north line of Sixth street, saving, excepting and reserving however out of said territory so to be excluded the several lots of ground lying in Threlkeld's Addition of Georgetown, and respectively being lots numbers one hundred and fifty-three, one hundred and sixty-one, one hundred and sixty-two, one hundred and sixty-three, one hundred and seventy-two, one hundred and seventy-four, one hundred and seventy-six and one hundred and seventy-eight, and the south half of lot number one hundred and seventy-one. *Approved, February 27th, 1845.*

CHAP. 35. An act to change the time for holding the Circuit and Criminal Courts in the county of Washington.

§ 1. *Be it enacted, &c.,* That the Circuit Court of the United States for the county of Washington, District of Columbia, shall hereafter be held on the third Monday of October of each year, instead of the fourth Monday of November designated by law. *Time of holding fall term of circuit court changed.*

§ 2. *And be it further enacted;* That hereafter there shall be but three terms of the criminal court for Washington county, in the District of Columbia, instead of the four terms of said court now fixed by law; and that said three terms hereafter shall commence and be held on the first Monday in March, the third Monday in June, and the first Monday in December in each and every year. All process whatsoever in the said criminal court now issued or which may be issued in the county of Washington, in said District, returnable to the days now fixed by law for said county, shall be returnable and returned on the days for holding said criminal court, prescribed by this statute. *Times of holding criminal court.*

Process returnable on days now fixed.

Approved, March 1st, 1845.

CHAP. 36. An act in alteration of an act entitled "An act to establish a port of delivery at the city of Lafayette, in the State of Louisiana."

§ 1. *Be it enacted, &c.,* That all vessels bound to the city of Lafayette, in the State of Louisiana, may, after proceeding thereto, and making report and entry at the port of New Orleans, within the time limited by law, be permitted to unlade their cargoes at said Lafayette, under the rules and regulations prescribed *Vessels may, after proceeding to Lafayette, make report and entry at New Orleans. Act of 1844, c.*

by law and such further regulations as the Secretary of the Treasury may deem necessary. And so much of the first section of the act entitled "An act to establish a port of delivery at the city of Lafayette, in the State of Louisiana," approved June twelve, one thousand eight hundred and forty-four, as is inconsistent with this act, is hereby repealed. *Approved, March 1st, 1845.*

CHAP. 38. An act to authorize the sale of two Arabian horses, received as a present by the Consul of the United States at Zanzibar, from the Imaum of Muscat.

Horses to be sold on last Saturday in February.
 § 1. *Be it enacted, &c.,* That the President of the United States be, and he is hereby, authorized to cause the two horses received as a present by the Consul of the United States at Zanzibar, from the Imaum of Muscat, to be sold in Washington city, by public auction, on the last Saturday of February one thousand eight hundred and forty-five, and to cause the proceeds thereof to be placed in the Treasury of the United States.

Approved, March 1st, 1845.

CHAP. 39. An act to change the time of holding the Federal courts in Kentucky, North Carolina, South Carolina, Georgia, Alabama and Louisiana.

Circuit and district courts in Kentucky.

Circuit courts in North Carolina.

Circuit Court in South Carolina.

Circuit court in Georgia.

Circuit court for southern district of Alabama.

Circuit court for Louisiana.

Process returnable in the same manner as if the times of holding said courts had not been altered.

§ 1. *Be it enacted, &c.,* That from and after the passage of this act the fall sessions of the circuit and district courts of the said United States for the district of Kentucky, heretofore commenced and held on the third Monday in November, annually, shall instead thereof be commenced and held the second Monday in November, annually; That the circuit courts of the United States for the district of North Carolina shall be held at Raleigh on the Monday preceding the first Monday in December, and after the year eighteen hundred and forty-five on the second Monday in March. That the spring term of said court shall be held in and for the district of South Carolina at Charleston, on the Wednesday preceding the fourth Monday in March, after the ensuing term shall have been held at the time now appointed by law. That the spring term of said court shall be held in for the district of Georgia at Savannah, on the second Monday in April after the ensuing term shall have been held at the time now appointed by law. That the circuit court of the United States for the southern district of Alabama, shall commence its spring term at Mobile, on the second Monday of April in each and every year after the ensuing spring term of said court shall have been held at the time now appointed by law. And the circuit court for the district of Louisiana shall commence its spring term at New Orleans on the fourth Monday of April in each and every year, after the ensuing spring term of said court shall have been held at the time now appointed by law. And all actions, suits, appeals, recognizances, processes, writs and proceedings whatever, pending, or which may be pending in said courts, or returnable thereto, shall have day therein, and be heard, tried, proceeded with, and

decided, in like manner as if the time of holding said courts or sessions had not been hereby altered.

Approved, March 1st, 1845.

CHAP. 41. An act renewing certain naval pensions for the term of five years.

§ 1. *Be it enacted, &c.*, That the pensions for the period of five years, which have been heretofore granted out of the naval pension fund, to the widows of officers, seamen, and mariners, who have been killed or died by reason of a wound received in the line of their duty, or who have died by occasion of disease contracted, or of a casualty, by drowning or otherwise, or of injury received while in the line of their duty, and which pensions have ceased in consequence of the expiration of the period for which they were originally granted, or for which they were subsequently renewed, shall be continued for another period of five years, to such of the said widows as have remained unmarried; to commence from the day on which such pensions, respectively, terminated; and to be paid out of any money in the Treasury not otherwise appropriated: *Provided*, That every pension hereby renewed shall cease on the death or intermarriage of the widow to whom the same is hereby granted.

Pensions heretofore granted to widows continued.

Provided: to cease on death or marriage.

Approved, March 3d, 1845.

CHAP. 42. An act to grant certain lands to the State of Indiana, the better to enable the said State to extend and complete the Wabash and Erie canal from Terre Haute to the Ohio river.

§ 1. *Be it enacted, &c.*, That there be, and hereby is, granted to the State of Indiana for the purpose of aiding said State in extending and completing the Wabash and Erie canal from Terre Haute, in the county of Vigo, in said State, to the Ohio river, at Evansville, in said State, as the course thereof has been established and surveyed by the authority of said State, one moiety of the public lands, (remaining unsold, and not otherwise disposed of, encumbered or appropriated,) in a strip five miles in width on each side of said canal; to be selected by an agent or agents to be appointed by the Governor of said State, subject to the approval of the Secretary of the Treasury of the United States; reserving to the United States each alternate section, (or other proper subdivision of said land) from one end of said canal to the other; and before the selection, to be made as aforesaid by such agent or agents, shall be deemed to have been made and perfected, a chart or charts, showing the courses and distances and points of termination of said canal, shall be reported, or caused to be reported by the Governor of Indiana, or by some person or persons by him appointed to the Commissioner of the General Land Office.

Lands granted on the canal.

Their selection.

Lands reserved.

Chart of the canal to be reported to the General Land Office.

§ 2. *And be it further enacted*, That, for the purpose hereinbefore mentioned, there be, and hereby is, granted to the said State, in addition to the grant hereinbefore provided for, one moiety of all the other lands in the Vincennes land district, in

Lands granted in the Vincennes land district.

Their selection.

Lands selected to be reported to the register.

said State, and which remain, as aforesaid, unsold, and not otherwise disposed of, encumbered or appropriated, to be selected under the authority and by the direction of the Governor of said State : *Provided*, That, in the selection of the lands by this section provided for, no lands shall be comprehended which, in and by the first section of this act, are (in alternate sections or other proper subdivisions) directed to be reserved as aforesaid ; and the lands so selected shall be reported, or caused to be reported, by the Governor of said State, to the register of the land office at Vincennes, before such selection shall be deemed to be made and completed.

Disposal of the lands granted by 1st and 2d sections of this act.

Sale of lands in Vincennes district suspended.

§ 3. *And be it further enacted*, That all the lands, by the first and second sections of this act granted as aforesaid, shall after the selections thereof shall have been made and completed as aforesaid, be subject to be disposed of by the General Assembly of said State, for the purpose aforesaid, and no other ; and the President shall direct the further sales of the public lands, in the Vincennes land district aforesaid, to be suspended until the Governor of said State shall have caused the selections aforesaid to be made and perfected as aforesaid, and shall have notified the Secretary of the Treasury thereof : *Provided*, That such suspension shall not continue longer than twelve months from and after the passing of this act.

U. S. to have use of the canal free.

Canal to be completed in 15 years, or the land to revert to U. S.

§ 4. *And be it further enacted*, That the said canal when completed, shall be and forever remain a public highway for the use of the Government of the United States free from any toll or other charge whatever, for any property of the United States, or persons in their service, passing through or along the same ; and shall be completed within fifteen years from and after the passing of this act, or the State shall be holden to pay to the United States the amount of the price or prices for which any and all of said land which may have been disposed of by said State may have sold ; and such of said lands as may not have been thus disposed of shall, from and after said fifteen years, if said canal should not then have been completed, revert to and again become the property of the United States : *Provided always*, That it shall not be competent for the said General Assembly to dispose of said lands, or any of them, at a price lower than, for the time being, shall be the minimum price of other public lands.

Approved, March 3d, 1845.

Price of the lands limited.

CHAP. 43. An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the revenues of the Post Office Department.

After 1st July next members of Congress and delegates may, during recess, receive letters not over two ounces in weight free.

Franking privilege granted to Vice President.

§ 1. *Be it enacted, &c.*, That, from and after the first day of July next, members of Congress and delegates from Territories, may receive letters, not exceeding two ounces in weight, free of postage, during the recess of Congress, any thing to the contrary in this act notwithstanding ; and the same franking privilege which is granted by this act to the members of the two Houses of Congress, is hereby extended to the Vice President of the

United States; and in lieu of the rates of postage now established by law, there shall be charged the following rates, viz: For every single letter, in manuscript, or paper of any kind by or upon which information shall be asked for or communicated in writing, or by marks and signs, conveyed in the mail, for any distance under three hundred miles, five cents: and for any distance over three hundred miles, ten cents: and for a double letter there shall be charged double these rates; and for a treble letter, treble these rates; and for a quadruple letter, quadruple these rates; and every letter or parcel not exceeding half an ounce in weight shall be deemed a single letter, and every additional weight of half an ounce, or additional weight of less than half an ounce, shall be charged with an additional single postage. And all drop letters, or letters placed in any post office, not for transmission by mail, but for delivery only, shall be charged with postage at the rate of two cents each. And all letters which shall hereafter be advertised as remaining over in any post office shall, when delivered out, be charged with the costs of advertising the same in addition to the regular postage, both to be accounted for as other postages now are.

Postage on—
Letters.

Parcels.

Drop letters.

Advertised letters.

§ 2. *And be it further enacted*, That all newspapers of no greater size or superficies than nineteen hundred square inches may be transmitted through the mail by the editors or publishers thereof, to all subscribers or other persons within thirty miles of the city, town, or other place in which the paper is or may be printed, free of any charge for postage whatever; and all newspapers of and under the size aforesaid, which shall be conveyed in the mail any distance beyond thirty miles from the place at which the same may be printed, shall be subject to the rates of postage chargeable upon the same under the thirtieth section of the act of Congress approved the third of March, one thousand eight hundred and twenty-five, entitled, "An act to reduce into one the several acts for establishing and regulating the Post Office Department;" and upon all newspapers of greater size or superficial extent than nineteen hundred square inches, there shall be charged and collected the same rates of postage as are prescribed by this act to be charged on magazines and pamphlets.

Postage on
newspapers.
Act of 1825, c.
275, vol. 3, p.
1936.

§ 3. *And be it further enacted*, That all printed or lithographed circulars and handbills or advertisements, printed or lithographed on quarto post or single cap paper, or paper not larger than single cap, folded, directed, and unsealed, shall be charged with postage at the rate of two cents for each sheet, and no more, whatever be the distance the same may be sent; and all pamphlets, magazines, periodicals, and every other kind and description of printed or other matter, (except newspapers,) which shall be unconnected with any manuscript communication whatever, and which it is or may be lawful to transmit by the mail of the United States, shall be charged with postage at the rate of two and a half cents for each copy sent, of no greater weight than

Postage on—
Printed circulars, handbills, or advertisements.

Pamphlets, magazines, and periodicals.

one ounce, and one cent additional shall be charged for each additional ounce of the weight of every such pamphlet, magazine, matter, or thing, which may be transmitted through the mail whatever be the distance the same may be transported; and any fractional excess of not less than one-half of an ounce, in the weight of any such matter or thing, above one or more ounces, shall be charged for as if said excess amounted to a full ounce.

§ 4. *And be it further enacted*, That the Postmaster General be and he is hereby, authorized, upon all mail routes over or upon which the amount of matter usually transported, or which may be offered or deposited in the post office or post offices for transportation, is or may become so great as to threaten materially to retard the progress or endanger the security of the letter mail, or to cause any considerable augmentation of the cost of transporting the whole mail at the present rate of speed, to provide for the separate and more secure conveyance of the letter mail, at a speed at least equal to that at which the mail is now transported over such route, taking care to allow in no case of any greater delay, in the transportation of the other matters and things to be transported in the mail on any such route, than may appear to be absolutely necessary, regard being had to the cost of expediting its transportation, and the means at his disposal or under his control for effecting the same.

Letter mail may be separated from the other mail, in certain cases, for expedition.

97th section act of 3d March, 1825, and other acts granting privilege to receive and send letters free of postage, repealed.
Act of 1825, c. 275, vol. 3, p. 1985.

§ 5. *And be it further enacted*, That the twenty-seventh section of the act of Congress entitled "An act to reduce into one the several acts for establishing and regulating the Post Office Department," approved and signed the third day of March, in the year one thousand eight hundred and twenty-five, and all other acts, and parts of acts granting and conferring upon any person whatsoever the right or privilege to receive and transmit through the mail, free of postage, letters, packets, newspapers, periodicals, or other matters, be, and the same are hereby, utterly abrogated, and repealed.

Officers of Government having the franking privilege to keep account of postage.

§ 6. *And be it further enacted*, That from and after the passage of this act, all officers of the Government of the United States, heretofore having the franking privilege, shall be authorized and required to keep an account of all postage charged to and payable by them, respectively, upon letters, packages, or other matters received through the mail, touching the duties or business of their respective offices; and said accounts for postage, upon being duly verified by said officers, respectively, shall be allowed and paid quarter yearly, out of the contingent fund of the bureau or department to which the officers aforesaid may respectively belong or be attached. And the three Assistant Postmasters General shall be entitled to have remitted by the postmaster in Washington all postage charged upon letters, packages, or other matter, received by them, respectively through the mail, touching the business of the Post Office Department, or the particular branch of that business committed to them, respectively; and each of the said Assistant Postmasters General shall

Said account to be paid quarterly out of contingent fund.

Assistant Postmasters General to have postage on business letters remitted.

be, and hereby is, authorized to transmit through the mail free of postage, any letters, packages, or other matters relating exclusively to his official duties, or to the business of the Post Office Department; but he shall, in every such case, endorse on the back of the letter or package so to be sent free of postage, over his own signature the words "official business." And for any such endorsement falsely made, the person so offending shall forfeit and pay three hundred dollars. And the several deputy postmasters throughout the United States shall be authorized to charge, and have allowed to them in the settlement of their accounts with the Post Office Department all postage which they may have paid or had charged to them, respectively, for letters, packages, or other matters, received by them on the business of their respective offices or of the Post Office Department, upon a verification on oath of their accounts for the same, and the transmission of the charged letters as vouchers; and the said several deputy postmasters shall be, and hereby are, authorized to send through the mail, free of postage, all letters, and packages which it may be their duty, or they may have occasion, to transmit to any person or place, and which shall relate exclusively to the business of their respective offices, or to the business of the Post Office Department; but in every such case, the deputy postmaster sending any such letter or package shall endorse thereon, over his own signature, the words "Post Office business." And for any and every such endorsement falsely made, the person making the same shall forfeit and pay three hundred dollars. And when the commissions of any postmaster amount to less than twenty-five dollars per annum, it shall be lawful for the Postmaster General to increase the rate of his commissions, provided that they do not exceed fifty per cent. on letter postage accruing at such office, and the Postmaster General is hereby required to cause accounts to be kept of the postage that would be chargeable at the rates prescribed in this act upon all matter passing free through the mail according to the provisions of this act; and the sums thus chargeable shall be paid to the Post Office Department from the contingent funds of the two Houses of Congress and of the other Departments of the Government for which such mail service may have been performed, and where there is no such fund that they be paid out of the Treasury of the United States.

§ 7. *And be it further enacted*, That the act of Congress entitled "An act authorizing the Governors of the several States to transmit by mail certain books and documents," approved June the thirtieth, one thousand eight hundred and thirty-four, shall remain and continue in full force, any thing hereinbefore to the contrary notwithstanding; and the Members of Congress, the Delegates from Territories, the Secretary of the Senate, and the Clerk of the House of Representatives, shall be, and they are hereby, authorized to transmit, free of postage, to any post office within the United States, or the Territories thereof, any documents which have been or may be printed by order of either

Same authorized to transmit letters on business free.

Letters to be endorsed "official business."

Penalty for false endorsement.

Deputy postmasters to be paid postage on business letters.

Same authorized to transmit business letters free.

Letters to be endorsed "Post Office business."

Penalty for false endorsement.

Commissions to postmasters.

Accounts to be kept of postage that would be chargeable on all matter passing free.

Sums charged to be paid.

Act June 30th, 1834, continued in force.
Act of 1834, c. 168, vol. 4, p. 9406.

Members of Congress, Delegates, Secretary of the Senate, Clerk of House of Representatives, authorized to transmit public documents free of postage.

House of Congress, any thing in this law to the contrary notwithstanding.

Franking privilege granted to members of Congress, Delegates, Secretary Senate, and Clerk House of Representatives.

Limitation.

Postage charged on business letters to Senators, Members, and Delegates, for excess of weight, to be paid out of contingent fund.

Authorized to frank their own letters all the year.

Private expresses for letters forbidden on mail routes.

Penalty for offending.

Mailable matter not to be conveyed over any regular mail route otherwise than in the mail.

Exceptions.

§ 8. *And be it further enacted,* That each member of the Senate, each Member of the House of Representatives, and each Delegate from a Territory of the United States, the Secretary of the Senate, and the Clerk of the House of Representatives, may, during each session of Congress, and for a period of thirty days before the commencement and thirty days after the end of each and every session of Congress, send and receive through the mail, free of postage, any letter, newspaper, or packet, not exceeding two ounces in weight; and all postage charged upon any letters, packages, petitions, memorials, or other matters or things, received during any session of Congress, by any Senator, Member or Delegate of the House of Representatives, touching his official or legislative duties, by reason of any excess of weight, above two ounces, or the matter or thing so received, shall be paid out of the contingent fund of the House of which the person receiving the same may be a member. And they shall have the right to frank written letters from themselves during the whole year, as now authorized by law.

§ 9. *And be it further enacted,* That it shall not be lawful for any person or persons to establish any private express or expresses for the conveyance, nor in any manner to cause to be conveyed, or provide for the conveyance or transportation, by regular trips, or at stated periods or intervals, from one city, town, or other place, to any other city, town or place, in the United States, between and from and to which cities, towns, or other places, the United States mail is regularly transported, under the authority of the Post Office Department, of any letters, packets, or packages of letters, or other matter properly transmittable in the United States mail, except newspapers, pamphlets, magazines and periodicals; and each and every person offending against this provision, or aiding and assisting therein, or acting as such private express, shall, for each time any letter or letters, packet or packages, or other matter properly transmittable by mail, except newspapers, pamphlets, magazines, periodicals, shall, or may be, by him, her, or them, or through his, her, or their means or instrumentality, in whole or in part, conveyed or transported, contrary to the true intent, spirit and meaning of this section, forfeit and pay the sum of one hundred and fifty dollars.

§ 10. *And be it further enacted,* That it shall not be lawful for any stage coach, railroad car, steamboat, packet boat, or other vehicle or vessel, nor any of the owners, managers, servants; or crews of either, which regularly performs trips at stated periods on a post route, or between two or more cities, towns or other places, from one to the other of which the United States mail is regularly conveyed under the authority of the Post Office Department, to transport or convey, otherwise than in the mail, any letter or letters, packet or packages of letters, or other mailable matter whatsoever, except such as may have relation to some part of the cargo of such steamboat, packet boat, or other vessel, or to

some article at the same time conveyed by the same stage coach, railroad car, or other vehicle, and excepting also, newspapers, pamphlets, magazines and periodicals; and for every such offence, the owner or owners of the stage coach, railroad car, steamboat, packet boat, or other vehicle or vessel, shall forfeit and pay the sum of one hundred dollars; and the driver, captain, conductor, or person having charge of any such stage coach, railroad car, steamboat, packet boat, or other vehicle or vessel, at the time of the commission of any such offence and who shall not at that time be the owner thereof, in whole nor in part, shall, in like manner, forfeit and pay, in every such case of offence, the sum of fifty dollars.

Penalty.

§ 11. *And be it further enacted*, That the owner or owners of every stage coach, railroad car, steamboat or other vehicle or vessel, which shall, with the knowledge of any owner or owners, in whole or in part, or with the knowledge or connivance of the driver, conductor, captain or other person having charge of any such stage coach, railroad car, steamboat or other vessel or vehicle, convey or transport any person or persons acting or employed as a private express for the conveyance of letters, packets, or packages of letters, or other mailable matter, and actually in possession of such mailable matter, for the purpose of transportation contrary to the spirit, true intent, and meaning of the preceding sections of this law, shall be subject to the like fines and penalties as are hereinbefore provided and directed in the case of persons acting as such private expresses, and of persons employing the same; but nothing in this act contained shall be construed to prohibit the conveyance or transmission of letters, packets, or packages, or other matter, to any part of the United States, by private hands, no compensation being tendered or received therefor in any way, or by a special messenger employed only for the single particular occasion.

Penalty for transporting persons engaged in carrying mail matter over any mail route.

Carrying of letters, &c., by private hands, without one person not prohibited. Special messengers.

§ 12. *And be it further enacted*, That all persons whatsoever who shall, after the passage of this act, transmit by any private express, or other means by this act declared to be unlawful, any letter or letters, package or packages, or other mailable matter, excepting newspapers, pamphlets, magazines, and periodicals, or who shall place or cause to be deposited at any appointed place, for the purpose of being transported by such unlawful means, any matter or thing properly transmittable, by mail, excepting newspapers, pamphlets, magazines and periodicals, or who shall deliver any such matter, excepting newspapers, pamphlets, magazines and periodicals for transmission to any agent or agents of such unlawful expresses, shall, for each and every offence, forfeit and pay the sum of fifty dollars.

Penalty for transmitting, by private express, matter forbidden by this act.

• § 13. *And be it further enacted*, That nothing in this act contained shall have the effect, or be construed to prohibit the conveyance or transportation of letters by steamboats, as authorized by the sixth section of the act entitled "An act to reduce into one the several acts for establishing and regulating the Post Office Department approved the third of March one thousand eight hundred and twenty-five." *Provided*, That the require-

Transmission of letters by steamboats under act of 3d March, 1825, not prohibited. Act of 1855, c. 275, vol. 3, p. 1906.

Proviso: requirements of 6th section of act of 3d March, 1895, to be complied with.

Penalties provided in this act to attach to captains or owners of steamboats who do not comply with the requirements of 6th section, act 1825.

No packet weighing over 3 pounds to be sent by mail.

Postmaster General authorized to contract with owners of steamboats for conveying the mail, without previous advertisement.

Proviso: price limited.

What constitutes "mailable matter."

ments of said sixth section of said act be strictly complied with, by the delivery, within the time specified by said act, of all letters so conveyed, not relating to the cargo, or some part thereof, to the postmaster or other authorized agent of the Post Office Department at the port or place to which said letters may be directed, or intended to be delivered over from said boat; and the postmaster or other agent of the Post Office Department shall charge and collect upon all letters or other mailable matter, so delivered to him, except newspapers, pamphlets, magazines, and periodicals the same rates of postage as would have been charged upon said letters had they been transmitted by mail from the port or place at which they were placed on board the steamboat from which they were received; but it is hereby expressly provided, that all the pains and penalties provided by this act, for any violation of the provisions of the eleventh section of this act, shall attach in every case to any steamboat, or to the owners and persons having charge thereof, the captain or other person having charge of which shall not, as aforesaid, comply with the requirements of the sixth section of the said law of one thousand eight hundred and twenty-five. And no postmaster shall receive, to be conveyed by the mail, any packet which shall weigh more than three pounds.

§ 14. *And be it further enacted*, That the Postmaster General shall have power, and he is hereby authorized, to contract with the owners or commanders of any steamboat plying upon the Western or other waters of the United States, for the transportation of the mail for any length of time or number of trips, less than the time for which contracts for transporting the mail of the United States are now usually made under existing laws, and without the previous advertisements now required before entering into such contracts, whenever in his opinion the public interest and convenience will be promoted thereby; *Provided*, That the price to be paid for such service shall in no case be greater than the average rate paid for such service under the last preceding or then existing regular contract for transporting the mail upon the route he may so for a less time contract for the transportation of the mail upon.

§ 15. *And be it further enacted*, That "mailable matter," and "matter properly transmittable by mail," shall be deemed and taken to mean, all letters and newspapers, and all magazines and pamphlets periodically published, or which may be published in regular series or in successive numbers, under the same title, though at irregular intervals, and all other written or printed matter whereof each copy or number shall not exceed eight ounces in weight, except bank notes, sent in packages or bundles, without written letters accompanying them; but bound books of any size, shall not be held to be included within the meaning of these terms. And any packet or packets, of whatever size or weight, being made up of any such mailable matter, shall subject all persons concerned in transporting the same to all the penalties of this law, equally as if it or they were not so made up into a packet or

packages. But nothing in this act contained shall be so construed as to prohibit any person whatever from transporting, or causing to be transported, over any mail route, or any road or way parallel thereto, any books, magazines, or pamphlets, or newspapers, not marked, directed, or intended for immediate distribution to subscribers or others, but intended for sale as merchandise, and transported in the usual mode of transporting merchandise over the particular route used, and sent or consigned to some bona fide dealer or agent for the sale thereof; nor shall anything herein be construed to interfere with the right of any traveller to have and take with him or her, for his or her own use, any book, pamphlet, magazine or newspaper.

Transportation of books, magazines, pamphlets, or newspapers, intended for sale as merchandise, not prohibited.

Travellers may carry books, papers, &c. for their own use.

§ 16. *And be it further enacted*, That the term "newspaper," hereinbefore used, shall be, and the same is hereby defined to be, any printed publication, issued in numbers, consisting of not more than two sheets, and published at short stated intervals of not more than one month, conveying intelligence of passing events, and bona fide extras and supplements of any such publication. And nothing herein contained shall be so construed as to prevent the free exchange of newspapers between the publishers thereof, as provided for under the twenty-ninth section of the act entitled "An act to reduce into one the several acts for establishing and regulating the Post Office Department, approved the third day of March, one thousand eight hundred and twenty-five."

What is understood by "newspaper."

Free exchange of newspapers between publishers not prohibited.

§ 17. *And be it further enacted*, That all pecuniary penalties and forfeitures, incurred under this act, shall be one half for the use of the person or persons informing and prosecuting for the same, and the other half to the use of the United States, and shall be paid over to the Postmaster General, and accounted for by him as other moneys of the department; and all causes of action arising under this act, may be sued, and all offenders against this act may be prosecuted, before the justices of the peace, magistrates, or other judicial courts of the several States and of the several Territories of the United States, they having competent jurisdiction, by the laws of such States or Territories, to the trial of claims and demands, of as great value, and of the prosecutions, where the punishments are of as great extent; and such justices, magistrates, or judiciary, shall take cognizance thereof, and proceed to judgment and execution, as in other cases.

Penalties and forfeitures under this act, one half to go to informer, and one half to U. S.

Prosecution of offenders.

§ 18. *And be it further enacted*, That it shall be the duty of the Postmaster General in all future lettings of contracts for the transportation of the mail, to let the same, in every case, to the lowest bidder, tendering sufficient guaranties for faithful performance, without other reference to the mode of such transportation than may be necessary to provide for the due celerity, certainty, and security of such transportation; nor shall any new contractor hereafter be required to purchase out, or take at a valuation, the stock or vehicles of any previous contractor for the same route. And all advertisements made under the orders of the Postmaster

Contracts for transporting the mail to be let to the lowest reasonable bidder.

Contractors not required to buy out their predecessors.

Letters to be
advertised in
newspapers, of
largest circula-
tion in place
where the office is
situated.

Transportation
of the mail by rail
roads.

Proviso: com-
pensation limited.

In case a contract
cannot be made
with a railroad,
how the mail may
be transmitted.

Proviso: addi-
tional allowance
when sent by
night or twice a
day.

Courts for trial
of offenders a-
gainst this act.

General, in a newspaper or newspapers, of letters uncalled for in any post office, shall be inserted in the paper or papers, of the town or place where the office advertising may be situated, having the largest circulation, provided the editor or editors of such paper or papers shall agree to insert the same for a price not greater than that now fixed by law; and in case of question or dispute as to the amount of the circulation of any papers, the editors of which may desire this advertising, it shall be the duty of the postmaster to receive evidence and decide upon the fact.

§ 19. *And be it further enacted*, That to insure, as far as may be practicable, an equal and just rate of compensation, according to the service performed, among the several railroad companies in the United States, for the transportation of the mail, it shall be the duty of the Postmaster General to arrange and divide the railroad routes, including those in which the service is partly by railroad and partly by steamboats, into three classes according to the size of the mails, the speed with which they are conveyed, and the importance of the service; and it shall be lawful for him to contract for conveying the mail with any such railroad company, either with or without advertising for such contract: *Provided*, That, for the conveyance of the mail on any railroad of the first class, he shall not pay a higher rate of compensation than is now allowed by law; nor for carrying the mail on any railroad of the second class, a greater compensation than one hundred dollars per mile per annum; nor for carrying the mail on any railroad of the third class, a greater compensation than fifty dollars per mile per annum. And in case the Postmaster General shall not be able to conclude a contract for carrying the mail on any of such railroad routes, at a compensation not exceeding the aforesaid maximum rates, or for what he may deem a reasonable and fair compensation for the service to be performed, it shall be lawful for him to separate the letter mail from the residue of the mail, and to contract, either with or without advertising, for conveying the letter mail over such route, by horse express or otherwise, at the greatest speed that can reasonably be obtained; and also to contract for carrying over such route the residue of the mail, in wagons or otherwise, at a slower rate of speed: *Provided*, That if one half of the service, on any railroad, is required to be performed in the night season, it shall be lawful for the Postmaster General to pay twenty-five per cent. in addition to the aforesaid maximum rates of allowance; *And provided, further*, That if it shall be found necessary to convey over any railroad route more than two mails daily, it shall be lawful for the Postmaster General to pay such additional compensation as he may think just and reasonable, having reference to the service performed and the maximum rate of allowance established by this act.

§ 20. *And be it further enacted*, That all cause of action arising under this act may be sued, and all offenders against this act may be prosecuted, before any circuit or district court of the

United States, or the District of Columbia, or of the Territories of the United States.

§ 21. *And be it further enacted*, That for the purpose of guarding against the possibility of any embarrassment in the operations of the Post Office Department consequent upon any deficiency of the revenues of said department which may be occasioned by the reduction of the rates of postage by this act made, there be, and hereby is, appropriated the sum of seven hundred and fifty thousand dollars, to be paid out of any money in the Treasury not otherwise appropriated, and to be placed to the credit of the Post Office Department in the Treasury of the United States, to be applied, under the direction of the Postmaster General, to supplying any deficiency in the regular revenues from postage, in the same manner as the revenues of said department are now by law applied.

\$750,000 appropriated to guard against a deficiency in the revenues of post office department.

§ 22. *And be it further enacted*, That in case the amount of postages collected from the rates of postage prescribed by this act, with the annual appropriation from the treasury of seven hundred and fifty thousand dollars herein granted, shall prove insufficient to defray the expense of the mail service throughout the United States to an extent equal to what is now enjoyed by the public, and also the expense of extending and enlarging the same in due proportion with the increase and expansion of the population, particularly in the new States and Territories, the deficiency that may so arise shall be paid out of any moneys in the Treasury not otherwise appropriated: *Provided*, That the amount of expenditure for the Post Office Department shall not in the entire aggregate, exclusive of salaries of officers, clerks, and messengers, of the General Post Office, and the contingent fund of the same, exceed the annual amount of four million five hundred thousand dollars.

Additional appropriation for deficiencies in revenues of the Post Office.

Provided.

§ 23. *And be it further enacted*, That nothing in this act contained shall be construed to repeal the laws heretofore enacted, granting the franking privilege to the President of the United States when in office, and to all ex-Presidents, and to the widows of the former Presidents Madison and Harrison.

Franking privilege continued to President, Ex-Presidents, Mrs. Madison, and Mrs. Harrison.

Approved, March 3d, 1845.

CHAP. 44.—An act making appropriations for the service of the Post Office Department, for the year ending thirtieth June, eighteen hundred and forty-six.

§ 1. *Be it enacted, &c.* That no greater sum shall be paid to any mail agent of any description than one thousand dollars per annum, and no greater sum for all his travelling and incidental expenses, than at the rate of two dollars for each day he shall be actually employed in the capacity of mail agent.

Pay and allowances to special agents fixed.

Approved, March 3d, 1845.

CHAP. 45. An act supplementary to an act entitled "An act to fix the value of certain foreign moneys of account in computations at the custom-houses."

Value of florin of Austria fixed.

§ 1. *Be it enacted, &c.*, That, in all computations of the value of foreign moneys of account at the Custom-houses of the United States, the florin of Austria shall be deemed and taken to be at the value of forty-eight cents; and all former laws inconsistent herewith are hereby repealed.

Approved, March 3d, 1845.

CHAP. 46. An act to confirm the survey and location of claims for lands in the State of Mississippi, east of the Pearl river, and south of thirty-first degree of north latitude.

Certain surveys confirmed as actually made.

§ 1. *Be it enacted, &c.*, That all surveys and plats or confirmed claims and settlement rights for land situate in the State of Mississippi, east of Pearl river, and south of thirty-first degree of north latitude, which had been made and returned to the surveyor or general's office south of Tennessee on or before the first day of January, one thousand eight hundred and thirty-nine, shall be, and are hereby, confirmed, as actually surveyed on the ground; and the said surveyor general is hereby authorized and directed, on the request of any party interested in any such claim, to certify the return and plat of such actual survey, so remaining in his office, to the register and receiver for lands in the Augusta district, in said State, who are hereby directed to receive and regard said surveys, plats, and location of the claims they represent, as

Surveyor General to certify the return and plat of survey to the Register and Receiver for the Augusta district.

Register and Receiver to give a certificate, upon presentation of which, at General Land Office, patent shall be issued.

correctly made; and the said register and receiver shall thereupon issue, in the name of the confirmer of the claim a patent certificate for each claim; which certificate, being first duly recorded in the said register's office, shall be delivered to such person as is entitled to represent the claim, and which, being presented to the General Land Office at Washington, shall entitle the party interested to a patent therefor: *Provided*, That any claimant to a tract of land so surveyed and platted as aforesaid, who shall within one year from the passage of this act, file, in writing, with the surveyor general south of Tennessee, his exception to the regularity of the survey so heretofore made, setting forth in what respect said survey is erroneous, the surveyor general shall examine such exception, and, if found to be well taken, shall order a resurvey of the claim, after proper notice to the party interested; and, after proper notice, he may order a resurvey of any other claims which in his opinion, may be indispensably necessary, by reason of errors or defects in the survey, on the ground, which, being returned and approved, shall be certified to the register and receiver at Augusta, on which a patent certificate shall be issued, as before directed; *Provided, also*, That all actual surveys of claims in said district, which shall not be excepted to within the year aforesaid, or which the surveyor general may not find it indispensably necessary to have re-surveyed by reason of any errors or defects, as aforesaid, shall after that time,

Previseo.

Further proviso.

be deemed unexceptionable, so far as relates to the title of the United States, and shall henceforth be proceeded in and perfected to patent.

§ 2. *And be it further enacted*, That all re-surveys which may be ordered by virtue of this act shall be executed under the direction of the surveyor south of Tennessee, subject to orders from the General Land office; and all services which shall be rendered in execution of this act shall be audited, charged, and paid for, as similar services were required to be by former laws and regulations in reference to similar claims. Resurveys ordered by virtue of this act to be executed under direction of surveyor south of Tennessee. Expenses of survey.

§ 3. *And be it further enacted*, That when, in any case it shall appear to the surveyor general that the survey of any claim hereby confirmed is deficient in the quantity of land confirmed to the claimant, by a number of acres equal to forty or more, then the said surveyor general shall issue to the claimant a warrant, entitling him to a quantity of land, which in the subdivision of the public lands of the United States, shall not exceed in quantity the number of acres found deficient in the claimants original survey; which entry may be made on any lands subject to entry in said district. Surveyor to issue a warrant for deficiencies in a resurvey.

§ 4. *And be it further enacted*, That this act shall not be construed as aiding the title survey or location of any claim to the prejudice of any other claim with which its pretensions and location may conflict; but all such conflicting rights and locations shall remain subject to existing laws: *Provided however*, That, in any such case of conflict, in addition to the powers conferred on the surveyor general by this act, it shall be lawful for him when the conflicting claimants may compromise, by the relinquishment of one of the claimants of his entire location, or so much of it as conflicts with the location of another claim to grant a warrant to the relinquishing claimant, which shall entitle him to enter an equal quantity with the land relinquished of any land subject to entry in the district of the land surrendered. Conflicting claims to be decided under existing laws.

§ 5. *And be it further enacted*, That all confirmation and evidence of title which shall be made or issued in the name of the original claimant or confirmee, by virtue of this act, shall inure to the use and benefit of those who may be jointly or severally entitled to the lands in the several claims referred to, either by descent or purchase, as if such persons were specially named therein. *Approved, March 3d, 1845.* Confirmation or evidence of title issued in name of original claimants to inure to the benefit of person entitled, by purchase or otherwise.

CHAP. 48. An act for the admission of the States of Iowa and Florida into the Union.

Whereas, the people of the Territory of Iowa did, on the seventh day of October, eighteen hundred and forty-four, by a convention of delegates called and assembled for that purpose, form for themselves a constitution and State government; and whereas, the people of the Territory of Florida did, in like manner, by their delegates, on the eleventh day of January, eighteen hundred and thirty-nine, form for themselves a constitution and State Government, both of which said constitu-

Preamble.

tions are republican ; and said conventions having asked the admission of their respective Territories into the Union as States, on equal footing with the original States :

Iowa and Florida declared to be States, on an equal footing with the original States.

§ 1. *Be it enacted, &c.*, That the States of Iowa and Florida be, and the same are hereby, declared to be States of the United States of America, and are hereby admitted into the Union on equal footing with the original States, in all respects whatsoever.

Boundaries of Iowa.

§ 2. *And be it further enacted*, That the following shall be the boundaries of the said State of Iowa, to wit : Beginning at the mouth of the Des Moines river, at the middle of the Mississippi, thence by the middle of the channel of that river to a parallel of latitude passing through the mouth of the Mankato, or Blue-Earth river, thence west along the said parallel of latitude to a point where it is intersected by a meridian line, seventeen degrees and thirty minutes west of the meridian of Washington city, thence due south to the northern boundary line of the State of Missouri, thence eastwardly following that boundary to the point at which the same intersects the Des Moines river, thence by the middle of the channel of that river to the place of beginning.

Iowa to have concurrent jurisdiction on the Mississippi and other rivers.

§ 3. *And be it further enacted*, That the said State of Iowa shall have concurrent jurisdiction on the river Mississippi, and every other river bordering on the said State of Iowa, so far as the said rivers shall form a common boundary to said State, and any other State or States now or hereafter to be formed or bounded by the same : Such rivers to be common to both : And that the said river Mississippi, and the navigable waters leading into the same, shall be common highways, and forever free as well to the inhabitants of said State, as to all other citizens of the United States, without any tax, duty, impost, or toll therefor, imposed by the said State of Iowa.

Assent of people of Iowa to this act necessary.

§ 4. *And be it further enacted*, That it is made and declared to be a fundamental condition of the admission of said State of Iowa into the Union, that so much of this act as relates to the said State of Iowa shall be assented to by a majority of the qualified electors at their township elections in the manner and at the time, prescribed in the sixth section of the thirteenth article of the constitution adopted at Iowa city the first day of November, anno Domini eighteen hundred and forty-four, or by the legislature of said State. And as soon as such assent shall be given, the President of the United States shall announce the same by proclamation ; and therefrom and without further proceedings on the part of Congress the admission of the said State of Iowa into the Union, on an equal footing in all respects whatever with the original States, shall be considered as complete.

Boundaries of Florida.

§ 5. *And be it further enacted*, That said State of Florida, shall embrace the territories of East and West Florida, which by the treaty of amity, settlement and limits between the United

States and Spain, on the twenty-second day of February eighteen hundred and nineteen, were ceded to the United States.

§ 6. *And be it further enacted*, That until the next census and apportionment shall be made, each of said States of Iowa and Florida, shall be entitled to one representative in the House of Representatives of the United States. Iowa and Florida each to have one Representative in Congress.

§ 7. *And be it further enacted*, That said States of Iowa and Florida are admitted into the Union on the express condition that they shall never interfere with the primary disposal of the public lands lying within them, nor levy any tax on the same whilst remaining the property of the United States: *Provided*, That the ordinance of the convention that formed the constitution of Iowa, and which is appended to the said constitution, shall not be deemed or taken to have any effect or validity, or to be recognised as in any manner obligatory upon the Government of the United States. *Approved, March 3d, 1845.* Iowa and Florida do not to interfere with the disposal of the public lands within their limits, nor tax them. Ordinance of the convention of Iowa not obligatory on the U. S.

CHAP. 66.—An act regulating commercial intercourse with the Island of Miquelon and St. Pierre.

§ 1. *Be it enacted, &c.*, That all French vessels coming directly from the islands of Miquelon and St. Pierre, either in ballast or laden with articles the growth or manufacture of either of said Islands, and which are permitted to be exported therefrom in American vessels, may be admitted into the ports of the United States on payment of no higher duties on tonnage, or on their cargoes aforesaid than are imposed on American vessels, and on like cargoes, imported in American vessels: *Provided*, That this act shall not take effect until the President of the United States shall have received satisfactory information that similar privileges have been allowed to American vessels and their cargoes at said islands by the Government of France, and shall have made proclamation accordingly, and whenever said privileges shall have been revoked or annulled, the President is hereby authorized, by proclamation to suspend the operation of this act. Duties: Provide.

Approved, March 3d, 1845.

CHAP. 69.—An act to provide for the transportation of the mail between the United States and foreign countries, and for other purposes.

§ 1. *Be it enacted, &c.* That the Postmaster General of the United States be, and he is hereby authorized, under the restrictions and provisions of the existing laws, to contract for the transportation of the United States mail between any of the ports of the United States and a port or ports of any foreign power, whenever, in his opinion, the public interest will thereby be promoted; and it shall be his duty to report to the next ensuing Congress a copy of each of said contracts, with a statement of the amount of postage derived under the same, as far as the returns of the department will enable him to do. And such contracts may be made, if it shall appear to the Postmaster General Postmaster General to make contracts. To report to same to Congress.

Time for which they may be made.

to be required by the public interest, for any greater period than four years, and not exceeding ten years.

Contracts to be made with American citizens and mail to be transported in American vessels.

§ 2. *And be it further enacted*, That all such contracts shall be made with citizens of the United States, and the mail to be transported in American vessels, by American citizens. Each contract entered into under the provisions of this act, besides the usual stipulations for the right of the Postmaster General to discontinue the same, shall contain the further stipulation that it may at any time be terminated by a joint resolution of the two houses of Congress.

May be discontinued by joint resolutions of Congress.

Rates of Postage.

§ 3. *And be it further enacted*, That the rates of postage to be charged and collected on all letters, packages, newspapers, and pamphlets, or other printed matter, between the ports of the United States and the ports of foreign governments enumerated herein, transported in the United States mail under the provisions of this act, shall be as follows: Upon all letters and packages not exceeding one-half ounce in weight, between any of the ports of the United States and the ports of England or France, or any other foreign port not less than three thousand miles distant, twenty-four cents, with the inland postage of the United States added when sent through the United States mail to or from the post office at a port of the United States; upon letters and packets over one-half an ounce in weight, and not exceeding one ounce, forty-eight cents; and for every additional half-ounce or fraction of an ounce, fifteen cents; upon all letters and packets not exceeding one-half ounce, sent through the United States mail between the ports of the United States and any of the West India Islands, or islands in the Gulf of Mexico, ten cents; and twenty cents upon letters and packets not exceeding one ounce; and five cents for every additional half ounce or fraction of an ounce; upon each newspaper, pamphlet, and price current, sent in the mail between the United States and any of the ports and places above enumerated, three cents, with inland United States postage added when the same is transported to or from said port of the United States in the United States mail.

Between the U. S. and England or France.

Between the U. S. and the West India Islands and Gulf of Mexico.

Persons not allowed to carry letters, &c. in vessels employed to transport the mail.

§ 4. *And be it further enacted*, That it shall not be lawful for any person to carry or transport any letter, packet, newspaper, or printed circular or price current, (except newspapers in use, and not intended for circulation in the country to which such vessel may be bound,) on board the vessels that may hereafter transport the United States mail, as provided for in this act; and for every violation of this provision, a penalty of five hundred dollars is hereby imposed, to be recovered by presentment, by information, or *qui tam* action—one half for the use of the informer and the other half for the use of the Post Office Department.

Penalty.

Penalty for counterfeiting the post office stamp.

§ 5. *And be it further enacted*, That if any person or persons shall forge or counterfeit, or shall utter or use knowingly, any counterfeit stamp of the Post Office Department of the United States issued by authority of this act, or by any other act of Congress, within the United States or the post office stamp of any foreign government, he shall be adjudged guilty of felony, and,

on conviction thereof in any court having jurisdiction of the same, shall undergo a confinement at hard labor for any length of time not less than two years, nor more than ten, at the discretion of the court.

§ 6. *And be it further enacted*, That the Postmaster General, or the Secretary of State, be, and he is hereby, authorized to empower the consuls of the United States to pay the foreign postage of such letters, destined for the United States, as may be detained at the ports of foreign countries for the non-payment of postage; which postage shall be by the consul marked as paid by him, and the amount thereof shall be collected in the United States, as other postage; on the delivery of the letters, and repaid to said consul, or credited on his account at the State Department.

Consuls in foreign countries to pay postage on letters for U. S.

To be collected in U. S. and repaid to said consuls.

§ 7. *And be it further enacted*, That the Postmaster General shall, in all cases of offers to contract for carrying the mail between any of the ports of the United States and any foreign port or place, give the preference to such bidder for the contract as shall propose to carry the mail in a steam ship or ships, and the said contractor stipulating to deliver said ship or ships to the United States, or to their proper officer, upon demand made, for the purpose of being converted into a vessel or vessels of war; the United States being bound, on their part to pay to said owner or owners the fair full value of every such ship or vessel at the time of such delivery; said value to be ascertained by four appraisers to be appointed two by the President of the United States and two by the owner or owners; and in case of disagreement among said appraisers, the President of the United States to select and appoint an umpire, who shall fix the value.

Preference to be given to steam ships in making contracts.

Said steamships to be delivered on demand to U. S.

The owners to receive full value therefor.

Value, how to be ascertained.

§ 8. *And be it further enacted*, That the Postmaster General may, if he shall deem it to be for the public interest, make contracts to continue not exceeding ten years, for the transportation of the mail from place to place in the United States in steamboats by sea and on the Gulf of Mexico and on the Mississippi river from the mouth thereof up to the city of New Orleans, on the conditions specified in the last preceding section of this act.

Transportation of the mail in the Gulf of Mexico, in steamers.

Approved, March 3d, 1845.

CHAP. 70. An act allowing drawback upon foreign merchandise exported in the original packages to Chihuahua and Santa Fe, in Mexico: and to the British North American provinces adjoining the United States.

§ 1. *Be it enacted, &c.*, That any imported merchandise which has been entered, and the duties paid or secured according to law, for drawback, may be exported to Chihuahua, in Mexico, or Santa Fe, in New Mexico, either by the route of the Arkansas river, through Van Buren, or by the route of the Red river through Fulton, or by the route of the Missouri river, through Independence.

Exportation to Chihuahua and Santa Fe, for drawback.

§ 2. *And be it further enacted*, That all the merchandise so exported shall be in the original packages as imported, a true

Merchandise to be in original packages and invoice certified by the collector.

invoice whereof, signed by the exporter, shall be made to the satisfaction of the collector, describing accurately each package with its contents and all the marks upon it, exclusive of the name of the exporter, the place of destination, and the route by which it is to be exported; all which shall be inscribed thereon, upon which invoice the collector shall certify that he is fully convinced the same is true, that the goods are in the original packages as imported, that they are duly entered for drawback, and to be exported by the owner, (naming him,) to either of the places aforesaid, (naming it,) and by one of the aforesaid routes, (naming it.)

Re-inspection of goods in Arkansas and Missouri.

§ 3. *And be it further enacted*, That upon the arrival of such goods at either of the places in Arkansas or Missouri above named, they shall be again inspected and compared with the invoice and certificate aforesaid, by an officer of the United States, who shall, if fully convinced that the several packages are identical, having remained unbroken and unchanged, also certify on said invoice the facts, in such form as the Secretary of the Treasury shall prescribe.

Goods to be inspected and invoice certified by consul at Santa Fe or Chihuahua.

§ 4. *And be it further enacted*, That upon the arrival of any such goods at Santa Fe or Chihuahua, they, with the invoice and certificates aforesaid, shall be submitted to the inspection of the Consul of the United States, or such agent as the President may appoint for that purpose; who, if fully convinced thereof, shall in such form as the Secretary of the Treasury shall prescribe, certify upon said invoice that the goods have arrived there in the original packages as imported, without change or alteration, and have been exported from the United States in good faith, to be disposed of and consumed in a foreign country.

Exporter to give bond for duties.

Drawback, when payable.

§ 5. *And be it further enacted*, That if the exporter shall give bond, with satisfactory sureties, in thrice the amount of duties, that the said merchandise by him exported has been delivered at either of the places aforesaid without the United States, in good faith, to be sold and consumed there, and shall also produce said invoice, with the regular certificates thereon, the collector shall thereupon pay to him the usual drawback allowed by law.

Secretary of the Treasury to appoint inspectors, their salary and duty.

§ 6. *And be it further enacted*, That the Secretary of the Treasury shall appoint inspectors to reside at each of the following places to wit: Van Buren, Fulton, and Independence, above-named, or such other place in Missouri as the Secretary of the Treasury shall designate; who shall each have a salary of two hundred and fifty dollars, and make a full report of all the trade that passes under their inspection, to the Secretary of the Treasury, semi-annually, giving an account of the number of packages, the kind of goods, the value, and the names of the exporters.

Exportation to the British North American Provinces, for drawback.

§ 7. *And be it further enacted*, That any imported merchandise which has been entered, and the duties paid or secured according to law, for drawback, may be exported to the British North American Provinces adjoining the United States: and the ports of Plattsburg, in the District of Champlain; Burlington, in

the District of Vermont ; Sacketts Harbor, Oswego, and Ogdenburgh, in the District of Oswegatchie ; Rochester, in the District of Genesee ; Buffalo and Erie, in the District of Presqu'isle ; Cleveland, in the District of Cuyahoga ; Sandusky and Detroit, together with such ports on the seaboard from which merchandise may now be exported, for the benefit of drawback, are hereby declared ports from which foreign goods, wares, and merchandise, on which the import duty has been paid, or secured to be paid, may be exported to ports in the adjoining British Provinces, and to which ports foreign goods, wares, and merchandise may be transported inland, or by water from the port of original importation, under existing provisions of law, to be thence exported for benefit of drawback : *Provided*, That such other ports situated on the frontiers of the United States, adjoining the British North American Provinces, as may hereafter be found expedient, may have extended to them the like privileges, on the recommendation of the Secretary of the Treasury, and proclamation duly made by the President of the United States, specially designating the ports to which the aforesaid privileges are to be extended.

Port from which goods may be exported.

Proviso.

§ 8. *And be it further enacted*, That all laws now in force in relation to the allowance of drawback of duties upon goods imported into the United States and exported therefrom, and in relation to the conditions and evidence on which such drawback is to be paid, shall be applicable to the drawback allowed by this act. And, in addition to existing provisions on the subject, to entitle exporters of goods to the drawback allowed by this act, they shall produce to the collector of the port from which such goods, wares and merchandise were exported, the certificate, under seal of the collector or other chief revenue officer of the port to which the said goods, wares, and merchandise were exported in the said adjoining provinces ; which certificate shall be endorsed upon a duplicate or certified copy of the manifest granted at the time of such exportation, and shall state that the same identical goods contained in the said manifest had been landed at such foreign port, and duly entered at the custom-house there, and that the duties imposed by the laws in force at such port upon the said goods have been paid, or secured to be paid, in full ; and the said exporters shall also produce the affidavit of the master of the vessel in which the said goods were exported, that the same identical goods specified in the manifest granted at the time of such exportation had been carried to the port named in the clearance or manifest, and had been landed and entered at the custom-house, and that the duties imposed thereon at the said foreign port had been paid, or secured to be paid ; and that the goods referred to in the certificate of the collector or chief revenue officer of such foreign port herein mentioned, were the same identical goods described in the manifest aforesaid, and in the said affidavit.

Laws now in force in relation to drawback applicable to the present act.

Additional provisions to secure drawback.

§ 9. *And be it further enacted*, That no goods wares or merchandise, exported according to the provisions of this act shall be

Goods exported under this act for.

brought into the U. S. voluntarily landed or brought into the United States; and on being so landed or brought into the United States, they shall be forfeited; and the same proceeding shall be had for their condemnation, and the distribution of the proceeds of their sales, as in other cases of forfeiture of goods illegally imported. And every person concerned in the voluntary landing or bringing such goods into the United States shall be liable to a penalty of four hundred dollars.

Penalty to persons concerned.

2 1-2 per cent on duties to be reserved by collectors for U. S.

§ 10. *And be it further enacted*, That from the amount of duties upon any goods, wares, and merchandize imported into the United States, and which shall be exported according to the provisions of this act, there shall be deducted two and a half per centum of such amount, which shall be retained by the respective collectors for the use of the United States, and the residue only shall be the drawback to be paid to the exporters of such goods, wares and merchandise.

Secretary of the Treasury to prescribe rules for carrying this act into effect.

§ 11. *And be it further enacted*, That the Secretary of the Treasury is hereby further authorized to prescribe such rules and regulations, not inconsistent with the laws of the United States, as he may deem necessary to carry into effect the provisions of this act and to prevent the illegal re-importation of any goods, wares, or merchandise which shall have been exported as herein provided; and that all acts or parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Acts repealed.

Approved, March, 3d, 1845.

CHAP. 71. An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the thirtieth June, eighteen hundred and forty-six, and for other purposes.

Adjusted accounts not to be re-opened.

§ 4. *And be it further enacted*, That from and after the passage of this act, no accounts which have been adjusted by the accounting officers of the Treasury, shall be re-opened without authority of law, nor shall the accounting officers of the Treasury act upon any account which shall not be presented within six years from the date when the claim first existed, unless the person having the claim was an infant, lunatic, or feme covert, and then within six years after the removal of the disability—*Provided*, That this section shall not apply to cases where special acts have passed, or shall pass, for the relief of individuals.

Time for presenting accounts limited.

Proviso.

Approved, March 3d, 1845.

CHAP. 74. An act to establish certain post routes.

Post roads established.

§ 1. *Be it enacted, &c.*, That the following be established as post roads:

Maine.

MAINE.

From Letter B to Wilson's Mills, in township Number Five, in the second range, county of Oxford.

From Winthrop to North Wayne, in the county of Kennebec.

From Springfield, in the county of Penobscot, through town-

ships Numbers Six and Seven, to Topsfield, in the county of Washington.

From Vassalboro Connec't, through North Vassalboro', Winslow, Sabasticook, Clinton, Burnham, Pittsfield, Detroit, Plymouth and Elma, to Carmel.

From Thomaston to South Thomaston, in the county of Lincoln.

From Oldtown through Argyle and Edinburg, to Howland.

From Augusta to Thomaston, to East Thomaston, about four miles.

From Morison, through Wilson to Greenville, at the foot of Moose Head Lake.

From Freyburg corner in the county of Oxford, by Bridgton, Centre, in the county of Cumberland, North Bridgton, Harrison to Norway village in said county of Oxford.

NEW HAMPSHIRE.

New Hampshire.

From Antrim South Village, via Bennington village, to the middle of Francestown, in the county of Hillsborough.

From Gilford, in Belknap county, by Lake Village, Meredith Village, Holderness to Plymouth, in Grafton county.

From Hillsborough Bridge, through the centre of Deering to Francistown.

From Hillsborough bridge, to Frenertown, through the centre of Deering in the county of Hillsborough, and that the present route from Deering through Wier, to Concord, be discontinued.

VERMONT.

Vermont.

From Brunswick, in Essex county, on Connecticut river, via townships of Brunswick, Wenlock, Ferdinand, Brighton, Charleston, and Brownington, to Irasburg.

MASSACHUSETTS.

Massachusetts.

From Ashburnham to New Ipswich, New Hampshire.

NEW YORK.

New York.

From Baldwinville, via Plainville, Cato Four Corners, Cato, Victory, and Westbury, to Wolcott.

From Holland Patent, via Floyd, to Oriskany.

From Almond, via Ebenezer Allen's house and Cartwright and Waldroff's store, to Phillipsville.

From Wilna, via Natural Bridge, to Diana.

From Stockholm, via Brasher's Falls and Helena, to Hogsburg.

From Richfield Springs, via Page's Corners, Jordanville, and Dennison's Corners, to Mohawk.

From Brooklyn to Gravesend.

From Truxton to Tully.

From Ithaca, by Rumsey's Settlement, Cayutaville, and Catharine, Centre, to Havanna.

From Elmira, via Post's Corners, South Chemung, and Athens Valley, to Athens Pennsylvania.

From Mount Morris, via Keyserville and Woodville, to Danville.

From Prattsville, via Lexington, Westkill, and Melville, to Shandaken ;

From Stokes to Lee Centre ;

From Westville to Millford ;

From Bath via Thruston, West Addison through Allen's Settlement in Cameron, to Woodhull ;

From Bath via Campbell Creek, Towlesville, East Canisteo, Canisteo to Greenwood ;

From Oneonto, via Butternuts, to Newberlin ;

From Greenwood via Canisteo, East Canisteo, Towlesville, Campbell creek to Bath ;

From Pen Yan, via Branchport, Italy Hill, Italy Hollow, Naples, Blood's Corners to Danville ;

From the village of Serry, via East Castile to Munda valley.

New Jersey.

NEW JERSEY.

From Deckertown, in Sussex county, through the Clove and Mount Salem, to Minisink ;

From Flemington to Baptistown.

Pennsylvania.

PENNSYLVANIA.

From Belfonte to Boalsburg, via Centre Furnace ;

From Indiana to Blairsville ;

From Sunbury, Northumberland county, by Snyderstown and Rushville, to Danville, in Columbia county ;

From Newcastle, in Mercer county, to Butler, in Butler county, by Princeton and Portersville ;

From Athens to Rome ;

From Wattsontown to Muncy Dam ;

From Stroudsburg, in Monroe county, by Snydersville and Fennersville, Kunkletown and Kreogeville, to Lehigh Gap, in Carbon county ;

From Sennamahoning post office to Rathan's ;

From Russelburg to Sugar Grove ;

From Tunkhannock to Bowman's Creek ;

From Pittsburg, by Logan's Ferry, to Shearersburg ;

From Washington, via Cross Creek and Eldersville, to Steubenville, Ohio ;

From Attleborough, Bucks county, by way of Oxford and Fallsington, to Morrisville ;

From Wilmington Delaware, by Centreville, Pennsville, Hamerton and Kennets Square to Unionville, Chester county ;

From Penningtonville in Chester county, to the Buck in Lancaster county ;

From Willsgrrove in Lycoming county, by way of the Hogland branch of Plunkets creek, through Fox township, to Canton corner in Bradford county ;

From Washington, Pennsylvania through Cross Creek village and Eldersville, to Steubenville, Ohio.

MARYLAND.

Maryland.

- From Snowhill to Nasaongo, in Worcester county ;
- From Barren Creek Springs Maryland, via Sharp Town, to Laurel Delaware ;
- From Jarrettsville, Hartford county, to Parkton, on the Susquehannab railroad.

VIRGINIA.

Virginia.

- From Buchanan, in Lewis county, to Beverly, in Randolph county ;
- From Charleston, in Kanawha, via upper falls of Coal river, and the falls of Guyandotte, to Wayne court-house ;
- From Chatham Hill to Bradford, in Smyth county ;
- From Arnoldsville, in Kanawha county, to Ripley, in Jackson county ;
- From Little Plymouth, in King and Queen county, to Urbanna, in Middlesex county ;
- From Germantown, via Weaverville, to Summerville, Fauquier county ;
- From Looney's Creek, via north fork of the south branch of the Potomac river, to Crab Bottom, in Pendleton county ;
- From New Martinsville, via Sistersville, to Parkersburg ;
- From Prince Edward court-house to Gilead, in Prince Edward's county ;
- From Chatham Hill, in Smyth county, to Buck's Garden, in Tazewell county ;
- From Broadford, in Smyth county, to Tazewell court-house ;
- From Newburn, in Pulaski county, via back road, to Wytheville ;
- From Abingdon, Virginia, via McConnell's, to Elizabethton, in Tennessee ;
- From Tazewell court-house, via Clear fork of Sandy river to its mouth ; thence down said river to the house of Phillip Lambert ; thence to Eli Lusk's, on Little Huff's creek ; and down said creek to Guyandotte river, crossing at the Beaver Bown, to the mouth of Gilbert's creek ; thence to Thompson's fork, Island creek ; thence down said creek to Logan court-house ;
- From Osborn's ford, in Scott county, or from Beckley's mills in Russell county, as the Postmaster General may deem most expedient, via Guest's station, glades and pound in Russel county, to Letcher court-house in the State of Kentucky ;
- From Hillsville in Carroll county to Floyd court-house ;
- From Chatham hill in Smyth county to Sharon in Wythe county.

NORTH CAROLINA.

North Carolina.

- From Rutherfordton, via Poorsford, Edwin Thorns', Buck creek, and R. H. Hick's, to Shelby court-house ;
- From Catawba View to Deal's Mill ;
- From Butherfordton, via White oak, Green river, Edneyville, and Hendersonville, to Mill's river ;

From Jamestown, via Deep river, Browntown, Midway, Hussey's Store, and Philip's Ferry, to Mocksville ;

From Ashboro' to Laurenceville ;

From Merry Hill to Edenton ;

From Kinston, Lenoir county, via R. D. Nunn's, Lewis Jones' and Stephen M. Graddy's to Hallsville, Duplin county ;

From Hallsville, in Duplin county, to Richland, in Onslow county ;

From Hunts cross roads to Nashville, in North Carolina ;

From Chilhowea, Blount county, Tennessee, to Cheoce, Cherokee county North Carolina.

South Carolina.

SOUTH CAROLINA.

From Newbury court-house, Shop Spring, John Williams, Wells' store, Island Ford, and Saluda Homestead, thence to Woodville, in Abbeville district ;

From Laurens court-house, via Anderson court-house, to Athens, Georgia ;

From Augusta, Georgia, to Greenville, South Carolina, so that it shall run from Abbeville court-house, by Due West Corner and Craytonsville, to Anderson court-house ;

From Union court-house, by Meansville, Smiths store and Rogers bridge on Tygers river, to Woodruff's in Spartanburg district ;

From Cannons store in Spartansburg district by Furgers mill to Buck creek ;

From Sumterville in Sumter district to Gadsden in Richland district.

Georgia.

GEORGIA.

From Hawkinsville, by Milwood, Vienna, Cedar creek, and Holydaysville, to Albany, Georgia ;

From Monticello, by Indian Springs, to Jackson, Butts county ;

From Marthasville, De Kalb county, by Newnan, Corinth, and Lagrange, to West Point, Troup county ;

From Marthasville, De Kalb county, by way of Villarica, to Carrollton, Carroll county, to Jacksonville, Benton county Alabama ;

From Talbotton to Pineville ;

From Marietta, through Roswell, to Cumming ;

From Villarica, Carroll county, through Van Wert, Paulding county, via Carpenter's store, to Cassville, Cass county ;

From Savannah to Charleston, by sea ;

From Greenville in Meriwether county to Newnan in Coweta county ;

From Sumpterville in Sumpter district to Gadsden in Richland district.

Kentucky.

KENTUCKY.

From Mills Point to Little Prairie, Missouri ;

From Somerset, in Pulaski county, Kentucky, to London, in Laurel county, via John Rabbitt's ;

From Lancaster, via Crab Orchard and Elkinsville, to Somerset in Pulaski county ;

From Somerset, in Pulaski county, via Harrison, to Jamestown, Russell county ;

From Somerset, Pulaski county, via Gilmer's store and Mount Vernon, to Richmond ;

From the Poplar Plains in Fleming county, via the dwelling house of William Philips in the same county, and the dwelling house of Joshua Knap in Carter County, to Grayson, the seat of justice in Carter county ;

From Mount Sterling in Montgomery county, via the store of Thomas T. Dobbins, and North Middleton, to Paris, the seat of justice of Bourbon county ;

From Morefield in Nicholas county, via the dwelling house of Thomas Hawkins on Licking river in Bath county, and the dwelling house of Thomas A. Matthews, to Sharpsburg in Bath county ;

From West Liberty, in Morgan county, via the dwelling house of Daniel Horton, to the dwelling house of William Brown on Paint Creek, intersecting the mail route from West Liberty, in Morgan county, to Louisa in Lawrence county ;

From Princeton in Caldwell county, via the house of John W. Jenkins, to Providence in Hopkins county ;

From Murray, via New Concord to Pine Bluff, on the Tennessee river in Calloway county ;

From Newport, by the way of the mouths of Four mile and Twelve mile creeks, to Carthage in Campbell county ;

From Warsaw in Gallatin county, by way of Napoleon or Buck Park in said county, and Downingsville and Williamstown in Grant county to Falmouth in Pendleton county.

TENNESSEE.

Tennessee.

From Wilcocks to Milledgeville ;

From Rogersville, via Thomas I. Lee's, to Russellville.

From Charleston, via Georgetown and Harrison, (late Vanville) to Cattanooga ;

From Charleston to Benton ;

From Cleveland, via Red Clay, Georgia, Dogwood, and Medicinal Springs, to Rome, Georgia ;

From Cleveland, via Carother's Cross Roads, Harrison, Poe's Turnpike, Walling's Ridge, Rankin's on Brush Creek, crossing the main Cumberland mountain at Hill's Turnpike, to McMinnville, Warren county ;

From Murfreesborough, via Lebanon, to Gallatin ;

From Lynchburg, Tennessee, via William A. Tucker's, Arnold's store, Shelton's Creek, and Jacob Hamilton's, to New Market, Madison county, Alabama ;

From Lynchburg, Tennessee, via Jacob Awalt's, to Winchester Springs ;

From Fayetteville, via Stone Bracker, and McCarty's Mills, and Arnold's Store, to Salem, in Franklin county ;

From Lafayette, via Witcher's Cross Roads, Highland, and Flinn's Lick, to Kinchlow's, in Putnam county ;

From Jackson, via Brownsville, Wesley Haywood, to Memphis ;

From Battle Creek, via Rice's Ferry, to Lebanon, Alabama ;

From Waterloo, Alabama, by State line Ferry, Lester's Sulphur Springs, to Jacinto, in Mississippi ;

From Mount Pleasant, via Waynsboro, Roach's Bluff on Tennessee river, Bolivar and Somerville, to Memphis ;

From Savannah in Tennessee, by Hamburg to Jacinto in Mississippi ;

From Somerville, Fayette county to T. W. Herveys, thence ten miles to Whiteville Hardiman county, thence to Meden Madison county, thence to Jackson.

Ohio.

OHIO.

From Ripley, on the Ohio river, via Russelville, Fincastle, New Market, Hillsborough, Petersburg, Greenfield and Frankford, to Circleville ;

From Uniontown, Muskingum county, via Buckeye Cottage, Rehoboth, New Lexington, and Straitsville, to Logan in Hocking county ;

From Finley, in Hancock county, via Cannonsburg, William Morrison's in Orange township, and Armorsville, to Round Head in Hardin county ;

From Sunbury, in Delaware county, by way of Fredericktown and Newville to Ashland in Richland county ;

From Bucyrus, in Crawford county, via Upper Sandusky, Crawfordsville, and Cary, to Finley, in Hancock county ;

To continue mail route number two thousand and fifty-five: from Youngstown, in Trumbull county, to Kelloggsville, in Ashtabula county, and thence by Sheffield and Plymouth, to Ashtabula ;

From Portsmouth, on the Ohio river, by Locust Grove, Belfast, and Marshall, to Hillsborough ;

From Cleveland, via the township of Brooklyn, Rockport, Middleburg, Olmsted, Ridgeville, Eaton, Laporte, and Carlisle, to Oberlin ;

From Strongsville, via Berea to Olmsted ;

For extension of route from Meadville and Kinsman, Ohio, via the towns of Gustavus, Johnson, Mecca and Bezetta ;

From Marietta, via the valley of the Little Muskingum, Conner's Mill, Chamber's Mill, Flint's Mill, and Gaysville, to Woodsfield ;

From Toledo, via Lyman Parker's Farm, Chatfield's Mill, Bridgewater, Angola, Jackson, Prairie Lima, and White Pigeon, to St. Joseph, in Michigan ;

From Cincinnati by Mears' Farm, Withamville, Amelia, Bantam, and Bethel to Felicity ;

From Goshen, Clermont county Ohio through Sloansville and Woodsville to West Borough, Clinton county, Ohio ;

INDIANA.

Indiana.

From Indianapolis, via Broad Ripple, Bethlehem, Westfield, Farmington, Shieldville, Canton, and Kokamo, to Peru ;

From Columbus, in Bartholomew county, via Rock Creek, to West Point, in Decatur county ;

From Franklin, via Hensley and Bean Blossom, to Nashville ;

From Decatur, in Adams county, via Port Mahon, to Liberty Mills, in Wabash county ;

From Rochester, in Fulton county, via Troy, Gilead, Niconza, and Joseph Beckner's, to Wabash town, in Wabash county ;

From Lafayette, via Parish's Grove, Milford, Illinois, Spring Creek and Oliver's Grove, to Peoria, Illinois ;

From Lafayette, via Rensselaer, John Jones's, in Porter county, and Valparaiso, to City West ;

From Washington, in Davis county, via Edwardsport and Robin's prairie, in Knox county, to Carlisle, in Sullivan county ;

From Sinking Spring, via Bryantsville and Dougherty Shoals, to Mount Pleasant, in Martin county ;

From Mooresville, via Waidsville, Millgrove, Upper Falls, Eel river, and Samuel Kaufman's, to Poland post office, in Clay county ;

From Mount Pleasant, in Martin county, via Harrisonville, to Bedford, in Lawrence county ;

From Madison, via Paris and Springfield, to Brownstown, in Jackson county ;

From Stateford to Rockford, in Jackson county ;

From Brookville, via Jennings, Oldenburg, Enochsburg, Georgus, and Allen's Mills, to Greensburg ;

From Jamestown, in Boone county, via Darlington and Yorktown, to Dayton, in Tippecanoe county ;

From Fort Wayne to Van Wert, in Van Wert county, Ohio ;

From Delphi, in Carroll county, through the great Miami reserve, to Marion, in Grant county ;

From Clinton, Vermillion county, via Indiana Furnace, in said county, to Paris, Illinois ;

From Noble court house, via Springfield, Northport, Wright's Corners, and Ontario, to Lima, Lagrange county ;

From Princeton, in Gibson county, via the road commonly called the " Buckskin road," to Boonville, in Warrick county ;

From Bluffton, Wills county, to Fort Wayne, in Allen county ;

From South Bend, in St. Joseph county, to Carmel, via Hammonds and North Liberty ;

From Sage's ferry, to Rockford, in Jackson county ;

From Indianapolis, Hampton, Danville, New Winchester, Bainbridge, Portland Mills, Rockville, Homansburgh, Montezuma, to the State line between Indiana and Illinois, in the direction of Springfield, Illinois.

ILLINOIS.

Illinois

From Monmouth, in the county of Warren, in the State of Il-

linois, via Berwick, Greenbush, Woodville, Ellisville, and Centreville, to Lewiston, in the county of Fulton, in the State of Illinois;

From Peoria, in the county of Peoria, via Mount Hawley, Wyoming, Toulon, Wethersfield, Cambridge, Geneseo, Sharon, and Crandall's Ferry, to Fulton city, in the county of Whiteside;

From Indianapolis, Hampton, Danville, New Winchester, Bainbridge, Portland Mills, Rockville, Armiesburg, Montezuma, to the State line between Indiana and Illinois, in the direction of Springfield, Illinois.

From Peoria, in the county of Peoria, via Mount Hawley, Wyoming, Toulon, Wethersfield, Geneseo, Sharon, and Crandall's Ferry, to Albany, in the county of Whiteside;

From Peoria, in the county of Peoria, via Mount Hawley, Wyoming, Toulon, Wethersfield, Geneseo, Sharon, Crandall's Ferry, Parker's Grove, Otter creek, and Johnson's creek, to Savannah in the county of Carroll;

From Macomb, in the county of McDonough, via Bladensville, La Harpe, Camp creek, Pontotoc, and Appanoe, to Nauvoo, in the county of Hancock;

From Freeport, in the county of Stephenson, via Panama and High Point, to Savannah, in the county of Carroll;

From Savannah, in the county of Carroll, via Mount Carroll, and High Point, to Freeport, in the county of Stephenson;

From Pekatoneca, in the county of Winnebago, to Rock Grove in the county of Stephenson;

From Monmouth, in the county of Warren, via Cedar Creek, McBride's Mill, and Millersburg, to Illinois city, in the county of Rock Island;

From the city of Galena, in the county of Joe Daviess, via Bellview, to Andrew, in the county of Jackson, in the Territory of Iowa;

From Petersburg, in Menard county, to Beardstown, in Cass county;

From Springfield, via Petersburg, Bath, and Macomb to Burlington, in the Territory of Iowa;

From Jacksonville in Morgan county, via Petersburg and Middleton, to Postville, in Logan county;

From Beardstown, in Cass county, via Arenzville, Exeter, Winchester, Glasgow, and Wilmington, to Carrolton, in Green county;

From Bellville, in St. Clair county, via Fayetteville, Sparta and Georgetown, to Murphysboro', in Jackson county;

From Murphysboro', in Jackson county, via Vergennes Prairie and Pinckneyville, to Nashville, in Washington county;

From Bellville, in St. Clair county, via Athens and Pinckneyville, and then to intersect the mail route from Shawneetown to Bellville at or near the Iowa, or Little Muddy post office;

From Equality, via Elizabethtown, to Salem in the State of Kentucky;

From Golconda to Metropolis city ;

From Shawneetown, via Cypressville, Equality, Benton, and Nashville, to Bellville and St. Louis ;

From Benton in Franklin county, to Mount Vernon, via Baine's Mills and Compton's post office and Spring Garden ;

From Palestine, in Crawford County, via Robinson, the Morris Settlement, and Bellair, to Greenup in Cumberland county.

From Charleston, in Coles county, via Moddrell's Point, Independence, Daniel's Mills, and New Albany, to Urbanna, in Champaign county ;

From Springfield, via Decatur, Monticello, and Danville, to Lafayette, in the State of Indiana ;

From Perry, in Pike county, via Coughenan's Mill, to Mount Sterling, in Brown county ;

From Fayette in Green county, to Springfield, in Sangamon county ;

From Carlingville, via Scottville, to Jacksonville, in Morgan county ;

From Mount Vernon, via Frankfort, Marion, Vienna, and Metropolis city, to Paducah, in the State of Kentucky ;

From Equality, via Sarahsville, to Marion ;

From Chicago, via Monroe, Elk Grove, Wickliffe, Miller's Grove, Cornishville, Crystalville, McHenry, Centre, Hartland, Dunham's Corner, Cold Spring, Amazon, Hunter, and Round Prairie to Roscoe, in Winnebago county, Illinois ;

From Belvidere, Boon county, via Amazon, and Burton's Corner, to Darien, in the Territory of Wisconsin ;

From Libertyville, Lake county, via Salem to Burlington, in the Territory of Wisconsin ;

From Lafayette, in the State of Indiana, via Parish's Grove, Milford, in the State of Illinois, Spring Creek and Oliver's Grove, to Peoria ;

From Ottawa, via Munsontown and Sutphen's Point, to Pawpaw Grove ;

From Blue Island, in Cook county, via Bachelor's Grove, and Hadley, to Juliet, in Will county ;

From Belvidere, in Boone county, to Roscoe, in Winnebago county ;

From Chicago, via Babcock's Grove, St. Charles, Sycamore, Coltonville, and Grand De Tour, to Albany, in Whiteside county ;

From Ottawa, in La Salle county, via Middlepoint, Newark, Yorkville, and Oswego, to Naperville, in Du Page county ;

From Chicago, via Blue Island, Thornton, Crete, Kankakee upon Crossing, Concord, Parish's Grove, in the State of Indiana, and Mechicer Bridge, to Lafayette, in the State of Indiana ;

From St. Charles, Kane county, via Berkshire, Genoa, and Hicks' Mills, to Cleveland, Boon county ;

From Georgetown, Vermillion county, to Chilicothe, Vermillion county ;

From Littlefort, Lake county, via McHenry, Hartland, Neper-sink, and Stevenson, (on the Piskesaw creek,) to Belvidere ;

From Bloomington, McLean county, via Lexington, Indian Grove, Avoca, Pontiac, Sunbury, and Eagle, to Ottawa ;

From Springfield in Illinois by Lick creek, Waverly, Cum-mington, Chesterfield, and Brighton, to Alton, Illinois ;

From Oquawka, in the county of Henderson, via Warren Mc-Queens Mill or Shokokon, East Bend, Appanooce, and Nauvoo, to Warsaw in the county of Hancock ;

From Centreville, the seat of justice of McHenry county, via Solomon Beldin's on the north side of the Kishwaukee to Ma-rengo ;

From Carlyle in Clinton county, via Hanover, to Mascontah, in St. Clair county ;

From Carlyle, via Pleasant Ridge, Covington, and Sassafras Hill, to Nashville in Washington county ;

From Olney in Richland county, to Louisville, in Clay county, and thence by Nicholasville or Jerolds, to Vandalia in Fayette county.

Louisiana.

LOUISIANA.

From Thibodeauville to Field's Mill ;

From Houma, in the parish of Terre Bonne, through Bayou Black and Bayou Bœuf, to Pattersonville ;

From Fort Jesup to G. B. Beers's on the Sabine river ;

From Minden Bayou to Union court-house in the State of Ar-kansas ;

From Minden to Conway, in the State of Arkansas ;

From Monroe to Union court-house in the State of Arkansas ;

From Shreveport, via Willow Chute to the seat of justice of the Parish of Bossier, thence to Conway in the State of Arkan-sas ;

From New Orleans to the Balize ;

From Farmersville in Union Parish to Eldorado in Union coun-ty Arkansas, once a week on horse back ;

From Morganza in the Parish of Point Coupee to Opelousas.

From Nachitoches to Mount Lebanon, via St. Maurice, Cedar Creek, Saline Mills, Mr. Prothers, Mobley's Mills, and Robinson's Mills, weekly ;

From Natchitoches to Monroe, Wachita, via Saline Mills, weekly.

Alabama.

ALABAMA.

From Jacksonville by the way of Rabbittown, Carmichael's Pounds, Kemp's creek, Defries's, and Boiling Spring, and back to Jacksonville ;

From Tuscaloosa, in Tuscaloosa county, through Jasper, to Somerville, Alabama ;

From Elktón, Tennessee, through Athens, to Decatur, Ala-bama ;

From Summerville, Georgia, to Chattoogaville, to be extended to Gaylesville, Alabama, and Jefferson;

From Tuscaloosa to Columbus, Mississippi, on the upper Columbus road;

From Mc Donald, county seat of Randolph county, Alabama, to Franklin, county seat of Heard county, Georgia;

From Tuskegee, Macon county, to Troy, Pike county;

From Mount Pleasant, Monroe county, to Suggsville, Clarke county;

From Barboursville, in Wilcox county, by way of Bear Creek, Shiloh and Dixon's Mills to Nanafalia;

From Centreport, Dallas county, to Greenville, Butler county;

From Nanafalia, Marengo county, Alabama through Tompkinsville, to Marion, in the county of Lauderdale, Mississippi;

From Bolivar, Alabama, to Winchester, Tennessee;

From Greensboro, by Wither's Landing and Buzzard's Roost, to Livingston, in Sumter county.

From Tuskegee, in the county of Macon, via the Warrins Stand, Steam Mills, and Enon, in the said county, to Eufaula in the county of Barbour;

From Eufaula, in the county of Barbour, via Abbeville, Colombia and Woodville in the county of Henry, Daleville, in the county of Dale, to Geneva in the county of Coffee;

From Woodville, in the county of Henry, to Bainbridge in the county of Decatur, Georgia, via Mariana in Florida;

From Wetumpka, in the county of Coosa, to Talladega Springs in Talladega county, by the old Jackson trace;

From Clinton via Warsaw, Cooksville, Macon, and Mashulaville, to Louisville, Mississippi;

From Alexandria, Benton county, by Cane creek, Iron Works, Ten Islands, to Ashville, St. Clair county;

From Elyton, in Jefferson, by Ashville, St. Clair county, to Rome, Georgia;

From Tuscaloosa, via Fayetteville, Hughs' Mill, to Russelville.

ARKANSAS.

Arkansas.

A post-route from Batesville, via Heath's Ferry, Little Rocky Bayou, Richwood's post office, Sylamon creek, and Wylie's Cove to Lebanon, in Searcy county;

A post route from Camden, in the State of Arkansas, to Minden in the State of Louisiana, via Tait's bridge, on the Surack-over creek;

A post route from Pocahontas, in Randolph county, to Eleven Point post office, Ripley county, in the State of Missouri;

A post route from Carrollton to Curiton in Barry county, Missouri, via the mouth of Butler's creek, on white river, through the settlement in Prairie township, in Carroll county;

A post route from Little Rock, by the residence of Presley Watts on the Washita ridge, to the town of Camden, on the Washita river, in the State of Arkansas;

Apost route beginning at Little Rock, thence to Manville,

twenty-five miles ; thence to Perryville sixteen miles ; thence to Petit Jean twenty-five miles ; thence to Danville sixteen miles ; thence to Sugar creek twenty-six miles ; thence to Walter Canthron's ten miles ; thence to a place called Dallas in the State of Arkansas ;

A post route from Perryville, via William Huston's, Green Smith's, James Briggs, William J. Park's, to Park's post office in the State of Arkansas ;

A post route from Columbia, Chicot county, via Clarke's plantation on the Bartholomew Fountain prairie, Longview, Burk's Landing, to Eldorado, the seat of justice of Union county ;

A post route from Eldorado, Union county Arkansas, to Farmerville in Union parish in Louisiana :

A post route from Izard court-house in Arkansas to Springfield in Missouri, via John T. Talbots, Thomas Stone's on Little North Fork of White river ;

A post route from Benton via Joel Brown's and M.K. Edwards to Stacy Lockhart's on Lost creek.

A post route from Little Rock to Fort Smith on the South side of Arkansas river ;

A post route from Little Rock, via the residence of James Lewson, jr. and North Fork settlement, the nearest route to Hot Springs.

MISSISSIPPI.

Mississippi.

From Providence, Louisiana, via Princeton, Mississippi, Bolivar court-house, Victoria, and Coahoma, to Commerce, in Mississippi ;

From Oxford, Lafayette county, Mississippi, to Houston, in Chickasaw county, in said State ;

From Ripley, in Tippah county, Mississippi, via Carrollville, to Fulton, in Itawamba county ;

From Kosciusko, in Attala county, via Conn's Ferry, to Franklin, in Holmes county ;

From Shieldsborough, Hancock county, via Pass Christian, Mississippi City, to Biloxi, Harrison county ;

From Augusta, Greene county to Pass Christian, Hancock county ;

From Memphis Tennessee, via, Mc Mahon, Chulohoma, College Hill, to Oxford, Lafayette county ;

From Gray's Port, Yalabusha county, to Houston, Chickasaw county ;

From Colbert, Lowndes county, by way of West Point to Savannah, Chickasaw county.

Missouri.

MISSOURI.

From Fredericktown, in Madison county, via Lesterville and Shannon court-house, to Ellsworth, in Wright county ;

From Port William, in Franklin county, to Shelby Crawford's, in Little Prairie, Crawford county ;

From New Madrid, in the county of New Madrid, to Osceola, Mississippi county, Arkansas;

From Warsaw, in Benton county, to Osceola, in St. Clair county;

From Howard's, in Morgan county, via Georgetown, Fairview, and Mulky's Old Mills, to Warrensburg, in Johnson county;

From Lexington, in Lafayette county, via Warrensburg, in Johnson county, to Clinton in Henry county;

From High Creek post office, in Holt county, to Daniel Huntsacker's on the Nishenabotna.

From Bolivar in Polk by Greenfield in Dade county, thence by Oakland College and Sarcoxie to Neosho in Newton county, once a week on horse back;

From Warsaw in Benton to Buffaloe in Niangua county;

From West Port, Jackson county, to Van Buren in Arkansas, once a week on horse back;

From Jefferson city, via Stone's Port, to Colombia in Boon county, once a week on horseback;

From Benton in Scott county, to Mills Point, Kentucky, via Millers Steam Mill, once a week on horse back;

From Tuscombina, in Miller, to Springfield in Green county;

From Savannah by Back and Moore's Mills, to the Three Forks of Nodaway river to Andrew Brown's Mill.

From Independence by West Port and Fort Leavenworth to Weston;

From Warsaw, Benton county, by way of Buffalo, Dallas county, to Springfield;

From Mount Ridge in Clinton county, via Grindstone Fork, to Sandville on Green river;

From the city of Warsaw in Benton county, via Buffalo in the county of Niagara to Waynesville in the county of Pulaski;

From Savannah, via Round Prairie and Brown's Mills to the Three Forks of the Nodaway river.

ARKANSAS.

Arkansas

From Jackson, Lawrence county, via and up Spring river, to the court-house in Fulton county;

From Arkadelphia, in Clark county, via Janes's Ferry on the Little Missouri river, Clark's Mills and Spring Hill, to Fulton, in Hempstead county;

From Fulton, on Red river, via Pine Prairie and Laynesport, to Fort Towson, on said river;

From Paraclista, in Sevier county, via Casetete Bayou, to Boonville in Scott county.

From Joseph Tomlinson's on the route from Washington in Hempstead county, via Black Jack, and Vache Grass to Fort Smith;

From Clarksville in Johnson county, via Piney P. O. and Jasper court-house, to Carrollton in Carroll county;

From Carrollton, to Flatt Creek post office in Barry county, Missouri;

From Champagnole, on the Washita river, via Eldorado to Murrell's on the military road from Washington, Hempstead county, to Natchitoches, Louisiana.

Michigan.

MICHIGAN.

From Maumee city, Ohio, to Monclovia, via to Swanton, Fulton, Actria, Chesterfield, Morenci, Canandaigua, Clayton, Hudson, Osceola, and Hillsdale, to Jonesville ;

From Oakville, Michigan, northeast six miles on the surveyed road leading through the centre of the township of Sumpter, in the county of Wayne, until it intersects the territorial road leading from Pontiac to Monroe, one mile south of the centre of the township of Sumpter, thence northerly on said territorial road to Wayne depot on the Central rail-road ;

From the Grand Rapids, in the county of Kent, via Allegan, Allegan county, to Pawpaw Van Buren county ;

From Ionia, in Ionia county, via Dexter's and Butterfield's to Grand Rapids, in the county of Kent ;

From Corunna, in the county of Shiawassee, to Northampton, in the county of Saginaw ;

From Pontiac, in Oakland county, to Orion, in said county ;

From Pontiac, via New Canandaigua, to Lapeer ;

From Port Huron, via Burchville, to Lexington ;

From Mount Clemens, via Vienna, Myers' school-house at Ray Centre, to Romeo ;

From Grand Rapids in the county of Kent, via Tallmadge and Nortonville to Grand Haven in the county of Ottawa ;

From Grand Rapids, in the county of Kent, to the Muskegon Mills, on the Muskegon river, in Newaygo county ;

From Grand Rapids, in the county of Kent, via Plainfield and Courtland, to Lincoln's Mills in the county of Montcalm ;

From Lincoln's Mills in the county of Montcalm, to Ionia in Ionia county ;

From Ionia, in Ionia county, to Marshall, in Calhoun county ;

From Ionia, Ionia county, to Yankee Springs, in Barry county ;

From Lyons, in Ionia county, to North Plains, in the same county ;

From Grand Haven in Ottawa county, to the mouth of Muskegon river, in the same county ;

From the mouth of the Muskegon river, in Ottawa county, to the Muskegon Mills in Newaygo county ;

From Mount Clemens, in Macomb county through the towns of Macomb and Ray, to Romeo in said county ;

From the Sault de St. Marie to Fort Wilkins on Lake Superior.

Florida.

FLORIDA.

From Newnanville to Mc Kinney's in Columbia county ;

From Marianna to St. Andrews bay.

WISCONSIN.

Wisconsin.

From Milwaukie, via Wawatoosa, Brookfield, Lisbon, Warren, Piperville, and Watertown, to Washita ;

From Milwaukie, via Watertown, to Fort Winnebago ;

From Prairieville, Milwaukie county, via North Prairie, in said county, and Palmyra, Jefferson county, to White Water, Walworth county ;

From Milwaukie, via Lisbon and Warren, to Summit, Milwaukie county ;

From Milwaukie, via Jefferson, to Madison ;

From Prairieville, via Bark river, to Fort Atkinson ;

From Lancaster, in Grant county, to Wingville, in the same county ;

From Madison to Fort Atkinson, Jefferson county ;

From Prairieville, via Genesee, North Prairie, Eagle Prairie, White Water, Fort Atkinson, and Snell's Lake, to Madison ;

From Mukwonago, via Eagle Prairie, White Water, and Fort Atkinson, to Madison ;

From Milwaukie, via Mukwonago, White Water, Outlet of Lake Kuskongong, and McFaden's to Mineral Point ;

From Mukwonago, via English Prairie, White Water, and Fort Atkinson to Madison ;

From Milwaukie, via Jefferson, to Madison ;

From Milwaukie, via Hustis Rapids, in Dodge county, and Columbus, in Portage county, to Fort Winnebago ;

From Mukwonago, via Eagle Prairie, White Water, Fort Atkinson, and Cottage Grove, to Madison ;

From Madison, via Sun Prairie, Columbus, and Beaver Dam, to Wampum.

From Fort Winnebago, via Green Lake, to Fond du Lac ;

From Milwaukie, via Hustis rapids on Rock river, to Fort Winnebago ;

From Milwaukie, via St. Mary's Muskago, Great Bend, Rochester, in Racine county, Troy, in Walworth county, Elk Horn and Delevan, to Beloit, in Rock county ;

From Ottawa, Illinois, via Fox river and Elgin, to Racine in Wisconsin Territory ;

From Chicago, Illinois, via Wheeling, Mc Henry, and Solon, in said State, to Geneva, Walworth county, Wisconsin Territory ;

From Milwaukie, via Wanmantoosa, Brookfield, Lisbon, and Warren, to Summit ;

From Madison, via Sun Prairie, Columbus, and Beaver, to Wapun, Fond du Lac county ;

From Aztalon, via Waterloo, and Columbus to Fort Winnebago ;

From Racine to Prairieville in Milwaukie county, passing through Caledonia and Muskigo ;

From Racine to Wheatland, and Geneva, Walworth county, through Pike's Grove, and Kellog's corners ;

From Racine to Betort in Rock county, passing through Burlington, Lyonsville, Delevan, and Darien ;

From Gratiot's Grove, Iowa county, to Madison, the seat of Government ;

From Janesville, Rock county Wisconsin, to Belvidere, Boon county Illinois, via Waterloo, Northwest corner of section five, township forty-six north ;

From Green Bay, to Fort Wilkins, on Lake Superior, in the State of Michigan.

Iowa.

IOWA.

From Washington court-house, via Keokuk court-house, to Mahaska court-house ;

From Brighton, via Richland, to Mahaska court-house ;

From Keosauqua, via Davis court-house, to the centre of Appanoose county ;

From Fairfield, via " Agency city," Ottamwa, and Eddyville, through the Six-mile prairie in Mahaska county, to the present United States Indian Agency on the Des Moines river ;

From Fairfield to Mahaska court-house ;

From Bloomington via Moscow, Tipton, and Franklin, to Marion, Linn county ;

From Bellview, via Spring Brook, and Coxe's Mill, to Springfield ;

From Nauvoo, Illinois, to Montrose, Iowa ;

From Burlington, via Captain Henry Settle's, John Saliday's, and Iowa river to Toolsborough ;

From Galena, Illinois, via Bellview, Iowa, to Andrew, Jackson county ;

From Galena, Illinois, via Bellview, to Makokety post office, Thorn's and Anderson's Mills, on the Wapsipinicon, and Tipton to Iowa city ;

From Dubuque, via Garry Owen, (Irish settlement,) Lodge's Ford, on the Makokety river, and Thorn's Mills, on the Wapsipinicon, to Bloomington ;

From Dubuque, on the Territorial road, via the " Colony," or Moreland's Settlement, and Eads's Grove, to Fort Atkinson, on Turkey river ;

From Dubuque, (in two horse coaches,) via Cascade and Marion, to Iowa city ;

From Fairfield, via the " Colony" and Iowa ville, to the county seat of Davis county ;

From Iowa city, to the county seat of Poweshick county ;

From Marion, to the county seat of Benton county ;

From Dubuque, via the county seat of Delaware county, to the county seat of Buchanan county ;

From Jacksonville, Clayton county, via the county seat of Fayette county, to Fort Atkinson ;

From Iowa city, to the county seat of Mahaska county ;

From Oscalosa, county seat of Mahaska county, via Lake Prairie, to Red Rock ;

From Marion in Lina county, through the settlements of McGonigle, Lockhart, Osborn and Davis, to Quashqueton, Buchanan county, Iowa ;

From Galena, Illinois, via Bellview, Spring Brook, and Brush Creek, to Andrew, in Iowa ;

From Eddyville, in Wappello county, to Clark's Point, in Kishkekosh county ;

From Oscalooza, via the "Six-mile Prairie," to the Mills, near where the Red Cedar Creek empties into the Des Moines.

§ 2. *And be it further enacted*, That the above routes shall go into operation on the first day of July, eighteen hundred and forty-five, or sooner, should the funds of the department justify the same: *Provided*, That as soon as a responsible contractor shall offer to transport the mails over any portion of the routes included in this bill, or in that approved on the thirty-first of August, eighteen hundred and forty-two, entitled "An act establishing certain post roads," for the revenue derived from the new offices to be established thereon, the Postmaster General shall have the power forthwith to put them into operation.

Routes to go into operation, when.

Proviso.

Approved, March 3d, 1845.

CHAP. 75. An act supplemental to the act for the admission of Florida and Iowa into the Union, and for other purposes.

§ 1. *Be it enacted, &c.*, That in consideration of the concessions made by the State of Florida in respect to the public lands there be granted to the said State eight entire sections of land for the purpose of fixing their seat of Government; also, section number sixteen in every township, or other lands equivalent thereto, for the use of the inhabitants of such township, for the support of public schools; also two entire townships of land, in addition to the two townships already reserved, for the use of two seminaries of learning—one to be located east, and the other west of the Suwannee river; also, five per centum of the nett proceeds of the sale of lands within said State, which shall be hereafter sold by Congress, after deducting all expenses incident to the same; and which said nett proceeds shall be applied by said State for the purposes of education.

Florida—

Grant of lands for seat of Government,

Public schools,

Seminaries of learning, and

Education.

§ 2. *And be it further enacted*, That all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said State of Florida, as elsewhere within the United States.

Application of U. S. laws to Florida.

§ 3. *And be it further enacted*, That the said State shall compose one district, to be called the district of Florida. And a district court shall be held in said district, to consist of one judge, who shall reside within the district to which he is appointed, and be called a district judge; and shall in all things have and exercise the same jurisdiction and powers which were by law given to the judge of the Kentucky district under an act entitled An act to establish the judicial courts of the United States, the said judge shall appoint a clerk at the place at which a court is holden within the respective district, who shall reside and keep the

Florida to compose one district.

District court.

Judge.

Jurisdiction.

Clerk.

records of the court at the place of holding the same ; and shall receive, for the services he may perform, the same fees to which the clerk of the Kentucky district is entitled for similar services.

Extra sessions of the court. § 4. *And be it further enacted*, That the judge of the district of Florida shall hold extra sessions at any time when the public interest may, in his opinion, require the same.

Annual sessions of the court. § 5. *And be it further enacted*, That the judge of the district of Florida shall hold one session annually at the following places, to wit, at Tallahassee, on the first Monday of January ; at St. Augustine on the first Monday of April, and at Key West on the first Monday in August.

Compensation of the judge. § 6. *And be it further enacted*, That there shall be allowed to the judge aforesaid, an annual compensation of two thousand dollars, to commence from the date of his appointment, to be paid quarter-yearly at the treasury of the United States.

U. S. attorney to be appointed. § 7. *And be it further enacted*, That there shall be appointed in said district a person learned in the law, to act as attorney for the United States ; who shall in addition to his stated fees, be paid by the United States, two hundred dollars, as a full compensation for all extra services.

U. S. marshal to be appointed. § 8. *And be it further enacted*, That a marshal shall be appointed in said district, who shall perform the same duties, be subject to the same regulations, and penalties, and be entitled to the same fees as are prescribed to marshals in other districts ; and shall moreover be entitled to the sum of two hundred dollars annually as a compensation for all extra services. **Compensation.** And that the salary of the district judges of the district courts of the districts of Ohio, Indiana, Illinois and Missouri, shall hereafter be, one thousand five hundred dollars per annum.

Approved, March 3d, 1845.

CHAP. 76. An act supplemental to the act for the admission of the States of Iowa and Florida into the Union.

Application of the U. S. laws to Iowa. § 1. *Be it enacted, &c.*, That the laws of the United States which are not locally inapplicable, shall have the same force and effect within the State of Iowa as elsewhere within the United States.

District court. § 2. *And be it further enacted*, That the said State shall be one district, and be called the district of Iowa ; and a district court shall be held therein, to consist of one judge, who shall reside in the said district, and be called a district judge. **Sessions.** He shall hold, at the seat of government of the said State, two sessions of the said district court annually, on the first Monday in January, and he shall, in all things, have and exercise the same jurisdiction and powers which were by law given to the judge of the Kentucky district, under an act entitled "An act to establish the judicial courts of the United States." **Jurisdiction.** He shall appoint a clerk for the said district, who shall reside and keep the records of the said court at the place of holding the same ; and shall receive, **Clerk.**

for the services performed by him, the same fees to which the clerk of the Kentucky district is by law entitled for similar services.

§ 3. *And be it further enacted*, That there shall be allowed to the judge of the said district court the annual compensation of fifteen hundred dollars, to commence from the date of his appointment, to be paid quarterly at the treasury of the United States. Compensation of the judge.

§ 4. *And be it further enacted*, That there shall be appointed in the said district, a person learned in the law, to act as attorney for the United States; who shall, in addition to his stated fees be paid annually by the United States two hundred dollars, as a full compensation for all extra services: the said payment to be made quarterly, at the treasury of the United States. U. S. attorney to be appointed. Compensation.

§ 5. *And be it further enacted*, That a marshal shall be appointed for the said district, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees, as are prescribed and allowed to marshals in other districts; and shall, moreover, be entitled to the sum of two hundred dollars annually, as a compensation for all extra services. U. S. marshal to be appointed. Compensation.

§ 6. *And be it further enacted*, That in lieu of the propositions submitted to the Congress of the United States, by an ordinance passed on the first day of November, eighteen hundred and forty-four, by the convention of delegates at Iowa city, assembled for the purpose of making a constitution for the State of Iowa, which are hereby rejected, the following propositions be, and the same are hereby, offered to the Legislature of the State of Iowa, for their acceptance or rejection; which, if accepted, under the authority conferred on the said legislature, by the convention which framed the constitution of the said State, shall be obligatory upon the United States: Propositions to be submitted to the Legislature of Iowa.

First. That section numbered sixteen in every township of the public lands, and, where such section has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State for the use of schools. Grant of lands for the use of schools.

Second. That the seventy-two sections of land set apart and reserved for the use and support of a University, by an act of Congress approved on the twentieth day of July, eighteen hundred and forty, entitled "An act granting two townships of land for the use of a university in the territory of Iowa," are hereby granted and conveyed to the State, to be appropriated solely to the use and support of such university, in such manner as the legislature may prescribe. Grant of lands for the use of a university.

Third. That five entire sections of land, to be selected and located under the direction of the legislature, in legal divisions of not less than one quarter section, from any of the unappropriated lands belonging to the United States within the said State, are hereby granted to the State for the purpose of completing the public buildings of the said State, or for the erection of public Grant of lands for completing the public buildings.

buildings at the seat of government of the said State, as the legislature may determine and direct.

Salt springs granted to the State.
Fourth. That all salt springs within the State, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each, shall be granted to the said State for its use; the same to be selected by the legislature thereof, within one year after the admission of said State and the same, when so selected, to be used on such terms, conditions, and regulations, as the legislature of the State shall direct: *Provided*, That no salt spring, the right whereof is now vested in any individual or individuals, or which may hereafter be confirmed or adjudged to any individual or individuals, shall, by this section, be granted to said State: *And provided, also*, That the General Assembly shall never lease or sell the same, at any one time, for a longer period than ten years, without the consent of Congress.

5 per cent. of net proceeds of public lands appropriated for roads and canals.
Fifth. That five per cent. of the nett proceeds of sales of all public lands lying within the said State, which have been, or shall be sold by Congress, from and after the admission of said State, after deducting all the expenses incident to the same, shall be appropriated for making public roads and canals within the said State, as the legislature may direct: *Provided*, That the five foregoing propositions herein offered are on the condition that the legislature of the said State, by virtue of the powers conferred upon it by the convention which framed the constitution of the said State, shall provide by an ordinance, irrevocable without the consent of the United States, that the said State shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers thereof; and that no tax shall be imposed on lands the property of the United States; and that in no case shall non-resident proprietors be taxed higher than residents; and that the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, while they continue to be held by the patentees or their heirs, remain exempt from any tax laid by order or under the authority of the State, whether for State, county, township, or any other purpose, for the term of three years from and after the date of the patents, respectively.

Approved, March 3d, 1845.

CHAP. 77. An act making appropriations for the naval service for the year ending the thirtieth June, eighteen hundred and forty-six.

§ 2. *And be it further enacted*, That naval constructors may be required to perform duty at any navy yard or other station; and when so ordered, shall be entitled to the same allowance for travel which is made to officers of the navy.

§ 3. *And be it further enacted*, That so much of the act of the third March, eighteen hundred and thirty-three, entitled "An act making appropriations for the naval service for the half-calendar year ending the first of March, next," as relates to the purchase of ordnance, gunpowder, medicines, and supplies out of U. S. funds, shall be and the same shall be in full force and effect.

and ending the thirtieth day of June, eighteen hundred, and forty-three, and for the fiscal year beginning the first of July, eighteen hundred and forty-three, and ending the thirtieth day of June, eighteen hundred and forty-four," as requires that provisions, and all other materials of every name and nature, for the use of the navy, to be furnished by contract, with the lowest bidder, after advertisement, shall be, and the same is hereby, so far modified that it shall not apply to ordnance, gunpowder, medicines, or the supplies which it may be necessary to purchase out of the United States, for vessels on foreign stations.

vessels on foreign stations, not required to be furnished by contract.
Act of 1843.

§ 4. *And be it further enacted*, That no more than one hundred and eighty passed midshipmen, and those senior in rank, shall at the same time receive the pay fixed by law for that class of officers.

Pay of passed midshipmen.

§ 5. *And be it further enacted*, That midshipmen shall hereafter be appointed from each State and Territory with reference and in proportion, as near as may be, to the number of representatives and delegates to Congress; and that, until such a proportion shall have been established, all future appointments shall be made from such States and Territories as have not their relative proportion of midshipmen on the navy list, whenever there are suitable applicants from such States or Territories, and provided further, that in all cases of appointment, the individual selected shall be an actual resident of the State from which the appointment purports to be made, and that the District of Columbia be considered as a Territory in this behalf.

Appointment of midshipmen.

§ 6. *And be it further enacted*, That so much of the act entitled an act to regulate the pay of the navy of the United States, approved March third, one thousand eight hundred and thirty-five, as provides, that no officer shall be put on furlough but at his own request, be and the same is hereby repealed.

Furloughs.
Act of 1835, c. 300, vol. 4, p 9411.

§ 7. *And be it further enacted*, That in lieu of the mode heretofore provided by law, the engineer-in-chief, and chief engineers of the navy shall be appointed by the President, by and with the advice and consent of the Senate; and that the President, by and with the like advice and consent, may appoint six engineers, to be employed in the revenue service of the United States, and the Secretary of the Treasury may appoint six assistant engineers, to be employed in the like service, one engineer and one assistant to be assigned to each steamer in the said service, if the same shall be deemed necessary by the Secretary of the Treasury, who shall prescribe the duties to be performed by said officers respectively; each of the said engineers shall be entitled to receive the same pay as now is, or hereafter may be, by law, allowed to first lieutenants in the revenue service; and that each assistant engineer, shall be entitled to receive the same pay that now is, or hereafter may be by law allowed to third lieutenants in said service.

Appointment of engineers of the navy.

Engineers in the revenue service.

§ 8. *And be it further enacted*, That no more than one Pur-

Pay of purser at navy yards.

ser doing duty at any navy yard shall at the same time be entitled to the pay fixed by law for that service.

2d and 3d sections act 2d March, 1837, extended to marines.
Act of 1837, c. 380, vol. 4, p. 2535.

§ 9. *And be it further enacted*, That the term "persons," mentioned in the second and third sections of an act passed March second, one thousand eight hundred and thirty-seven, entitled "An act to provide for the enlistment of boys for the naval service, and to extend the term of enlistment of seamen," shall be construed to include marines.

Publication for proposals, &c., by the Executive Departments.

§ 12. *And be it further enacted*, That in all cases where proposals for any contract or contracts, to be made by any of the Executive Departments or Bureaus, and in all cases where notices of any description, issuing from the same, are now required by law to be advertised, the same shall be advertised by publication in the two newspapers, in the city of Washington, having the largest permanent subscription, and at the discretion of the Executive in any third paper that may be published in said city: *Provided*, That the charges for such publications shall not be higher than such as are paid by individuals for advertising in said papers: *And provided also*, That the same publications shall be made in each of said papers equally, as to frequency.

Approved, March 3d, 1845.

CHAP. 78. An act relating to revenue cutters and steamers.

No revenue cutter or steamer to be built, nor purchased, without an appropriation therefor.

§ 1. *Be it enacted, &c.*, That no revenue cutter or revenue steamer shall hereafter be built (excepting such as are now in the course of building and equipment) nor purchased, unless an appropriation be first made, by law, therefor.

Passed, March 3d, 1845.

RESOLUTIONS.

[No. 1.] A resolution explanatory of "An act making appropriations for the payment of revolutionary and other pensions of the United States for the fiscal year ending the thirtieth of June one thousand eight hundred and forty-five.

Claims pending at the passage of this resolution not affected by the pension appropriation act.
Act of 1845, ante p.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act making appropriations for the payment of revolutionary and other pensions of the United States for the fiscal year ending on the thirtieth of June, one thousand eight hundred and forty five," shall not be so construed as in any way to affect the claims of those widows whose application for a pension, or an arrear of pension, at the passage of this resolution, shall have been made and filed in the Pension Office, awaiting the decision of the Commissioner of Pensions thereon.

Approved, January 23d, 1845.

[No. 4.] Joint resolution authorizing the Postmaster General of the United States to contract with railroad companies in certain cases without advertising for proposals therefor.

Resolved, &c., That the Postmaster General be, and he hereby is, authorized to make and enter into contracts with any railroad company for the transmission of the mail, without advertising for bids on such railroads, as now required by law.

Authority to contract with any railroad.

Approved, February 20th, 1845.

[No. 5.] A resolution for distributing the work on the Exploring Expedition.

Resolved, &c., That as each part of the work now in course of publication on "The Exploring Expedition" shall be completed, fifty-eight copies of the same shall be delivered to the Secretary of State, to be distributed as follows, that is to say: To each of these United States, one copy; to the Government of France, two copies; Great Britain, two copies; Russia, two copies; and one copy each to Sweden, Denmark, Prussia, Austria, Bavaria, the Netherlands, Belgium, Portugal, Spain, Sardinia, Greece, Tuscany, the Ecclesiastical States, the Two Sicilies, Turkey, China, Mexico, New Granada, Venezuela, Chili, Peru, the Argentine Republic, Brazil, Texas, and the Sandwich Islands; and one copy to the naval Lyceum in Brooklyn, New York.

758 copies to the Sec'y of State for distribution.

§ 2. *And be it further resolved,* That one copy of said work be given to Charles Wilkes, esquire, the commander of said expedition, one copy to William, L. Hudson, esquire, and one to Cadwallader Ringold esquire, commandants of vessels in said expedition.

Further disposition.

§ 3. *And be it further resolved,* That two copies of said work be placed in the Library of Congress, and that the residue of said work shall be delivered to the Librarian, to be by him preserved for future distribution.

Approved, February 20th, 1845.

[No. 7.] A resolution amendatory of the resolution passed April thirty, one thousand eight hundred and forty-four "respecting the application of certain appropriations heretofore made."

Resolved, &c., That nothing contained in the joint Resolution of April thirty, one thousand eight hundred and forty-four, or in any other act or Resolution, shall be understood or construed to prevent the Secretary of War from allowing and paying any just and equitable claims for supplies furnished, or advances or loans of money made to provide for the defence of the inhabitants and suppression of indian hostilities in the Territory of Florida, provided that the amount so allowed and paid shall not exceed the sums already appropriated by law.

Payment for supplies, &c., for defence of inhabitants of Florida. Res. of 1844.

Approved, March 1st, 1845.

[No. 8.] Joint resolution for annexing Texas to the United States.

Consent of Congress to the erection of Texas into a State for admission into the Union.

Resolved, &c., That Congress doth consent that the territory properly included within, and rightfully belonging to the Republic of Texas, may be erected into a new State, to be called the State of Texas, with a republican form of Government, to be adopted by the people of said republic, by deputies in convention assembled, with the consent of the existing government, in order that the same may be admitted as one of the States of this Union.

Conditions of admission.

2. *And be it further resolved,* That the foregoing consent of Congress is given upon the following conditions, and with the following guarantees, to wit: *First,* Said State to be formed, subject to the adjustment by this government of all questions of boundary that may arise with other governments; and the constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the first day of January, one thousand eight hundred and forty-six. *Second.* Said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy-yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defence belonging to said Republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind which may belong to or be due and owing said republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas, and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States. *Third:* New States, of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the Territory thereof, which shall be entitled to admission under the provisions of the federal constitution. And such States as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes, north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude, (except for crime,) shall be prohibited.

Or the President may negotiate with Texas for admission, and

3. *And be it further resolved,* That if the President of the United States shall in his judgment and discretion deem it most advisable, instead of proceeding to submit the foregoing resolution to the Republic of Texas, as an overture on the part of the United States for admission, to negotiate with that Republic; then,

Be it resolved, That a State, to be formed out of the present Republic of Texas, with suitable extent and boundaries, and with two representatives in Congress, until the next apportionment of representation, shall be admitted into the Union, by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admission, and the cession of the remaining Texian territory to the United States shall be agreed upon by the Governments of Texas and the United States: That the sum of one hundred thousand dollars be, and the same is hereby, appropriated to defray the expenses of missions and negotiations, to agree upon the terms of said admission and cession, either by treaty to be submitted to the Senate, or by articles to be submitted to the two Houses of Congress, as the President may direct. *Approved, March, 1st, 1845.*

Texas to be admitted, as soon as Texas and the U. S. agree upon the terms.

\$100,000, appropriated.

[No. 10.] A resolution to authorize the Attorney General to contract for copies of a proposed edition of the Laws and Treaties of the United States.

Resolved, &c., That the Attorney General is hereby authorized and directed to contract, on behalf of the General Government, with Messieurs Little and Brown, for one thousand copies of their proposed edition of the Laws and Treaties of the United States, at a price not exceeding three dollars and fifty cents a volume: *Provided, nevertheless*, That the contract aforesaid shall be made upon the terms and conditions following, that is to say: *First*, That the work shall be executed, from stereotype plates, in the style proposed by the said Little and Brown in their memorial presented to Congress at the present session thereof, in volumes, well bound, of not less than eight hundred super-royal octavo pages, with a very wide text, and a syllabus of each section in small type; the text to be on long primer, the types having a full round face, and being entirely new, and the paper to be of the best quality, sized, so that notes, in manuscript, may be written on the margin of the pages. *Second*. That the work shall contain [the articles] of Confederation, the Constitution, all the public and all the private laws and resolves, whether obsolete, repealed, or in force, and whether temporary or permanent, as well those respecting the District of Columbia as all others, and all treaties with foreign nations and Indian tribes; but the treaties may be printed separately, and the private laws, separately, in the same style and in the same order of arrangement with the others; the general laws and resolves to be contained in four octavo volumes, and the private laws and treaties in two additional octavo volumes. *Third*. There shall be a reference by a foot note, in small type, at the bottom of each page, to all laws passed subsequently or previously to that in the text, on the same subject whether printed in pamphlet or otherwise, with such explanations as may aid in obtaining a knowledge of the changes of Congressional legislation on the subjects of the laws; and in the volumes of the treaties there shall be such

Attorney General authorized to contract with Little & Brown.

Proviso: conditions of contract.

reference, and by a similar note, to all the legislation of Congress on the subjects of the treaties. *Fourth.* If parts of a law only have been repealed, or parts only are in force, it shall be accurately and exactly marked in the margin. *Fifth.* The laws, resolves, and treaties shall be arranged in strict chronological order; the laws of each session furnishing chapters, designated numerically to the end of each session, and the whole series of laws of each session to be described as one statute; the day of the approval of each act to be stated at the end thereof; a running title at the head of each page, to express the session of Congress, the date and chapter of each act; and at the beginning of each Congress shall be stated the place where the session was held, the name of the President of the United States, of the President of the Senate, and the Speaker of the House of Representatives. *Sixth.* At the foot of each page, in a note, reference shall be made to all decisions of the Supreme, circuit and district courts, construing or applicable to the law or treaty in the text. *Seventh.* There shall be a full alphabetical verbal general index of all the matters of the laws, resolves, and treaties, at large, under the leading heads, with full reference, under the minor heads, to all the matters, according to the plan and illustration in the memorial aforesaid; and a separate index of the matters in each volume, prepared in the same manner as the general index, shall be subjoined to each volume. There shall be an appendix at the end of each volume, containing a complete list of all the acts, resolves, and treaties, in the volume, chronologically arranged, with a brief and general description of the subject of the act, in this form, that is to say:

Stat. 1789, chap. 1. Oaths of office.

Stat. 1789, chap. 2. Duties.

Stat. 1789, chap. 3. Duties on tonnage.

Stat. 1789, chap. 4. Establishment of Executive Departments.

Eighth. The said Little and Brown shall stipulate, with good and sufficient and satisfactory security, to furnish the United States with such additional copies of the work, in all respects like the foregoing, as the Government from time to time may require, at prices not to exceed two dollars and seventy-five cents a volume; and they shall stipulate, with such security for the faithful performance of all parts of the contract which the Attorney General is herein authorized to make; and, in addition to such security, they shall execute to the United States a conveyance of the stereotype plates from which the first copies shall be printed, for the purpose of printing the additional copies thereof, in such form that in whosoever hands the plates may be at any future and distant period of time, the delivery of such additional copies to the United States may be effectually secured; they shall make immediate insurance on such plates, for the benefit of the United States and the proprietors of the plates, against loss by fire; and on the plates of the title page of each volume the interest of the United States in the plates as defined by this reso-

lution, shall be printed. *Ninth.* Before the United States shall be called on to pay for any volume of the work, it shall be submitted to the Attorney General, or to such other officer or officers of the Government as Congress may designate; and on his or their approbation thereof, and his or their decision that it is edited and printed in all respects according to the contract, it shall be paid for from the Treasury of the United States.

§ 2. *And be it further enacted,* That, for the purpose aforesaid, there be appropriated, and paid, out of any money in the Treasury not otherwise appropriated, a sum not exceeding twenty-one thousand dollars. *Approved, March 3d, 1845.*

Appropriation.

[No. 13.] Joint Resolution to fix the time when the act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the revenues of the Post Office Department, passed at this session, shall go into effect.

Resolved, &c., That the Act "to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the revenues of the Post Office Department," passed at the present session, shall go into effect on and after the first day of July next, and not sooner, any thing in said act to the contrary notwithstanding.

Act to go into effect on 1st July, 1845.

Approved, March 3d, 1845.

[No. 14.] A Joint Resolution directing the Secretary of the Treasury, whenever any State shall have been or may be in default for the payment of interest or principal on investments in its stocks or bonds held by the United States in trust to retain certain moneys to which such State is entitled for the purposes therein named.

Resolved, &c., That whenever any State shall have been or may be in default for the payment of interest or principal on investments in its stocks or bonds, held by the United States in trust, it shall be the duty of the Secretary of the Treasury to retain the whole or so much thereof as may be necessary, of the per centage to which such State may be entitled of the proceeds of the sales of the public lands within its limits and apply the same to the payment of said interest or principal or to the reimbursement of any sums of money expended by the United States for that purpose.

Amount due on State stocks held by U. S. in trust, to be withheld from said States.

Approved, March 3d, 1845.

[No. 15.] A Resolution authorizing the employment of additional inspectors of the customs, at the port of New Orleans.

Resolved, &c., That it shall be lawful for the collector of the customs for the district of New Orleans, with the approbation of the Secretary of the Treasury, to employ, from time to time, if the public service requires it, at the port of New Orleans, persons as occasional inspectors of the customs, not exceeding ten in number, in addition to the inspectors now authorised by law, who shall be subject to the same rules and regulations as are now prescribed by law for occasional inspectors.

Collector may employ not exceeding ten.

Approved, March 3d, 1845.

OF

THE UNITED STATES ;

Passed at the First Session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the first day of December, one thousand eight hundred and forty-five.

JAMES K. POLK, President. GEORGE M. DALLAS, Vice President.
JOHN W. DAVIS, Speaker of the House of Representatives.

CHAP. 1. An act to extend the laws of the United States over the State of Texas, and for other purposes.

§ 1. Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all the laws of the United States are hereby declared to extend to and over, and to have full force and effect within the State of Texas, admitted at the present session of Congress into the confederacy and Union of the United States.

The laws of the U. S. extended to and over the state of Texas.

The State of Texas to constitute one judicial district.

Powers and jurisdiction of said court.

District Attorney and Marshal to be appointed.

Salaries and fees.

§ 2. And be it further enacted, That the said State of Texas shall constitute one judicial district, to be called the district of Texas, for which one judge shall be appointed, who shall reside therein, and who shall receive a salary of two thousand dollars per annum, and who shall hold the first term of said court at Galveston, on the first Monday of February next, and at such other times and places in said district as may be provided by law, or as said judge may order ; and that said court shall have and exercise the same powers and jurisdiction as have been conferred by law on the district courts of the United States ; and, also, shall have and exercise the powers and jurisdiction of a circuit court of the United States ; and appeals and writs of error shall lie from the decisions of said district and circuit courts for the district of Texas to the Supreme Court of the United States, in the same cases as from a circuit court of the United States to said Supreme Court, and under the same regulations.

§ 3. And be it further enacted, That there shall be appointed in and for said district a person learned in the law, to act as attorney of the United States for said district, and also a person to act as marshal of the United States for said district, each of whom shall receive an annual salary of two hundred dollars, and also

such compensation and fees for official services as have been or may be provided by law for United States district attorneys and marshals; and the judge of said court shall appoint a clerk therefor, who shall receive like compensation and fees as have been or may be allowed by law to clerks of the district and circuit courts of the United States. *Approved, December 29, 1845.*

Clerk of said court to be appointed.

CHAP. 2. An act to establish a collection district in the State of Texas, and for other purposes.

§ 1. *Be it enacted, &c.,* That the State of Texas shall be one collection district and the city of Galveston the only port of entry, to which shall be annexed Sabine, Velasco, Matagorda, Cavallo, La Vaca, and Corpus Christi, as ports of delivery only.

The state of Texas made one collection District, and Galveston the port of entry. Ports of delivery.

§ 2. *And be it further enacted,* That a collector for the district of Texas aforesaid shall be appointed by the President, with the advice and consent of the Senate of the United States, who shall hold his office upon the terms and for the time prescribed by law for the like offices in other districts. The said collector shall reside at the city of Galveston, and he shall be entitled to a salary not exceeding two thousand dollars, including in that sum the fees allowed by law; and the amount he shall collect in any one year for fees exceeding the said sum of two thousand dollars, shall be accounted for and paid into the treasury of the United States.

A collector to be appointed.

Salary of collector.

§ 3. *And be it further enacted,* That a surveyor for each of the aforesaid ports of delivery, to wit: Sabine, Velasco, Matagorda, Cavallo, La Vaca, and Corpus Christi, shall be appointed by the President, with the consent of the Senate of the United States, who shall hold their offices respectively upon the terms and for the time prescribed by law for the like offices in other districts. The said surveyors shall be entitled each to a salary not exceeding one thousand dollars, including in that sum the fees allowed by law; and the amount collected by any of said surveyors in any one year for fees exceeding the said sum of one thousand dollars, shall be accounted for and paid into the treasury of the United States. *Approved, December 31, 1845.*

Surveyors to be appointed in each of the ports of delivery.

Their salaries and fees.

CHAP. 3. An act to repeal the act which abolished the office of one of the Inspectors General of the army, and to revive and establish said office.

§ 1. *Be it enacted, &c.,* That so much of the fourth section of an act, approved the twenty-third day of August, one thousand eight hundred and forty-two, entitled "An act respecting the organization of the army, and for other purposes," as directs that the office of one inspector general of the army shall be abolished, and the inspector discharged, shall be, and the same is hereby repealed; and all acts and parts of acts so repealed shall be, and the same hereby are, revived and continued in force.

Repeal of sec. 4 of act of Aug. 23, 1842, abolishing the office of one of the Inspectors General.

Act of 1842, c. 211, article p. 2668.

Approved, January 12th, 1846.

CHAP. 4. An act to continue the office of the Commissioner of Pensions.

Act of 1843, c. 317, ante p. 2968.

Office of Commissioners of Pensions continued to March 4, 1849.

§ 1. *Be it enacted, &c.* That the authority given to continue the office of Commissioner of Pensions by the act of the twentieth of January, eighteen hundred and forty-three, entitled "An act to continue the office of Commissioner of Pensions," be extended to the fourth of March, eighteen hundred and forty-nine, and no longer. *Approved, January 14th, 1846.*

Repealed. See Post, c. 25.

CHAP. 6. An act establishing certain post routes.

Post routes established.

§ 1. *Be it enacted, &c.,* That there be and is hereby established a post route from New Orleans, in the State of Louisiana, along the Gulf coast to Galveston, thence to Velasco, to Matagorda, to Pass Aransas, and to Corpus Christi, in Texas, by land or water, as the Postmaster General may deem expedient; that a post route be also established from Galveston, via the city of Houston, San Felipe de Austin, Lagrange, and Bastrop, to Austin. Also, the following routes; From Fulton, in the State of Arkansas, via Boston, Clarksville, Bonham, and Falls of the Brazos, to Austin; from Natchitoches, via Sabine Town, Nacogdoches, Crockett's, and Washington, to Lagrange; from Shreveport, in the State of Louisiana, via Pulaski, to Nacogdoches; from Velasco, via Brasoria, Texana, Victoria, and Goliad, to San Antonio de Bexar; from the city of Houston to Robbin's Ferry; from Austin to San Antonio de Bexar; and that it shall be the duty of the Postmaster General to contract for conveying a mail on said routes as soon as can conveniently be done after the passage of this act. *Approved, February 6th, 1846.*

Postmaster General to contract for carrying the mail on said route.

CHAP. 7. An act relative to Collectors and other officers of the Customs.

Officers of the customs not to be allowed more than a pro rata compensation for the time they may serve.

§ 1. *Be it enacted, &c.,* That collectors and all other officers of the customs, serving for a less period than a year, shall not be paid for the entire year, but shall be allowed in no case a greater than a *pro rata* of the maximum compensation of the said officers respectively for the time only which they actually serve as such collectors or officers, whether the same be under one or more appointments, or before or after confirmation. And no collector or other officer shall, in any case, receive for his services, either as fees, salary, fines, penalties, forfeitures, or otherwise, for the time he may be in service, beyond the maximum *pro rata* rate provided by law.

Accounts for salary to be rendered quarterly.

§ 2. *And be it further enacted,* That all accounts for salary, compensation, and emoluments shall be rendered quarterly at the end of each quarter of the fiscal year.

Additional duties not to be distributed to any officers of customs, but paid into the treasury.

Act of 1842, c. 235, ante p. 2919.

§ 3. *And be it further enacted,* That no portion of the additional duties provided by the seventeenth section of the act of August thirtieth, eighteen hundred and forty-two, entitled "An act to provide revenue from imports, and to change and modify existing laws imposing duties on imports, and for other purposes," shall be deemed a fine, penalty, or forfeiture, for the purpose of

being distributed to any officer of the customs ; but the whole amount thereof, when received, shall be paid directly into the treasury.

§ 4. *And be it further enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed. Repeal of acts inconsistent.

Approved, February 11th, 1846.

CHAP. 8. An act to enlarge the powers of the several Orphans' Courts held in and for the District of Columbia.

§ 1. *Be it enacted, &c.*, That the several Orphans' Courts held in and for the District of Columbia be, and they are hereby, authorized and empowered to appoint a guardian or guardians to any and every infant orphan who may now or hereafter be entitled or have right or claim to any property, real, personal, or mixed, within, or whose person and residence may be within, the jurisdiction of said court, except when said orphan may have a testamentary guardian ; and shall require of said guardians so appointed, and of testamentary guardians, unless directed otherwise by the will appointing them, bond, with good and sufficient surety, as now required by law. And when any infant, whose father may be living, shall, by gift or otherwise, be entitled to any property separate from the father, it shall and may be lawful for said courts to compel the father, as natural guardian, to give bond and security to account for said property, and to compel him to account, as guardians in other cases ; and if he shall fail or refuse to give such bond, or, at his request, said courts shall have power to appoint a special guardian to take charge of said property, who shall give bond and security as in other cases, but with condition to suit the case. Orphan's courts of the District of Columbia authorized to appoint guardians to infant orphans, in certain cases. May require of guardians bond and security, unless otherwise directed by will. May compel fathers of infant children who may be entitled to property to give bond and security, and in case of failure may appoint special guardians.

§ 2. *And be it further enacted*, That in all cases where any of said courts have heretofore appointed, or may hereafter appoint a guardian or guardians, or taken bond, or may hereafter take bond, from any guardian or guardians, and shall at any time have good cause to believe that the interest of the ward or wards may require it, said court shall have power and authority to compel said guardian or guardians to give additional other, or further security, in such time as said court may direct ; and upon his failure to comply with the order of court directing such security, said court shall have power and authority, and it shall be their duty to dismiss said guardian from office, and appoint another in his stead, and order the estate of the ward to be forthwith delivered to the newly appointed guardian and shall have power, by fine and imprisonment, or any legal process, to compel and enforce a compliance with such order, or may, where it can be so done, order their marshal to take possession of and deliver the property : *Provided*, *however*, That no order shall be made directing a guardian to give new security until he shall have been duly summoned to show cause against, or have had ten day's notice in writing of the intended application. Such guardian to give additional security if necessary, and upon failure to do so, when required, may be dismissed. Said courts to have power, by fine and imprisonment, to enforce a compliance with such orders ; or may order their Marshal to take possession of and deliver the property. Provide.

§ 3. *And be it further enacted*, That in all cases where any of said courts have heretofore appointed or may hereafter appoint Said courts may order and require

administrators, or executors, to give other and further security in certain cases.

In case of failure to comply with such order, may appoint either administrator or administrators in stead.

Provided.

How powers may be executed.

Act to continue in force from its passage.

an administrator or administrators, or have taken or may take bond from any executor or executors to any last will and testament, and shall at any time become satisfied that the security is insufficient by reason of the removal or insolvency of the sureties in the bond, or any of them, or by reason of the penalty of the bond being too small, or from any other cause whatever, it shall and may be lawful for the said court to order and require the said administrator or administrators, executor or executors, to give additional other or further security, and to remove such administrator or administrators, executor or executors, if they shall fail or refuse to comply with such order, and appoint an administrator or administrators in his or their stead, and shall further have power to order and require any assets or estate of the decedent, which may remain unadministered, to be delivered to said newly appointed administrator or administrators *de bonis non*, and to enforce a compliance with such order by fine and attachment, or any other legal process: *Provided, however*, That said administrator or administrators, executor or executors, shall first be summoned to show cause against such orders, or have ten day's notice, in writing, of the intended application.

§ 4. *And be it further enacted*, That the powers herein granted to said courts, by the foregoing sections of this act, may be exercised by said courts *ex officio*, or on the application of any one interested.

§ 5. *And be it further enacted*, That this act shall be in force from and after its passage. *Approved, February 20th, 1846.*

CHAP. 13. An act making appropriations for the payment of revolutionary and other pensions of the United States for the year ending the thirtieth June, one thousand eight hundred and forty-seven, and for other purposes.

Evidence necessary to entitle a widow to a pension.

§ 2. *And be it further enacted*, That no widow entitled to a pension under existing laws, and claiming a pension whose husband was drawing a pension at the time of his decease, shall be required in any such case to furnish any further evidence that said husband was entitled to a pension; nor shall any evidence, in any case, be required to entitle the widow to a pension, when the evidence is in the archives of the Government, other than such proof as would be sufficient to establish the marriage between the applicant and the deceased pensioner in civil personal actions in a court of justice; *Provided*, That upon a revision of the testimony in the case of the deceased husband the Commissioner be satisfied that the pension was properly granted.

Sec 4 of the act making appropriations for the civil and diplomatic expenses, &c. not to be construed as applying to applications for pensions.

§ 3. *And be it further enacted*, That the fourth section of an act entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the fiscal year ending the thirtieth day of June, A. D. eighteen hundred and forty-six, and for other purposes," shall not be so construed as to apply to applications for pensions. *Approved, May 7, 1846.*

CHAP. 15. An act to repeal a part of the act entitled "An act supplementary to the several laws for the sale of the public lands," approved April fifth, one thousand eight hundred and thirty-two, and for other purposes.

§ 1. *Be it enacted, &c.*, That, from and after the passage of this act the second proviso to the act entitled "An act supplementary to the several laws for the sale of the public lands," approved April fifth, one thousand eight hundred and thirty-two, which is as follows, viz: "That no person shall be permitted to enter more than one-half quarter section of land under this act in quarter-quarter sections, in his own name; or in the name of any other person, and in no case unless he intends it for cultivation, or for the use of his improvement. And the person making application to make an entry under this act shall file his or her affidavit, under such regulations as the Secretary of the Treasury may prescribe, that he or she makes the entry in his or her own name, for his or her own benefit, and not in trust for another," shall be and the same is hereby repealed; and all entries, selections, or locations of lands now suspended in the General Land Office, because made contrary to the restrictions in this proviso, shall be and they are hereby confirmed, provided they are in all other respects fair and regular.

Repeal of the 2d proviso in the act of April 5, 1832, permitting entries &c., of land.
Act of 1832, c. 65, ante vol. 4. p. 2902.

Approved, May 8th, 1846.

CHAP. 16. An act providing for the prosecution of the existing war between the United States and the Republic of Mexico.

Whereas, by the act of the Republic of Mexico, a State of war exists between that Government and the United States:

Preamble.

§ 1. *Be it enacted, &c.*, That, for the purpose of enabling the Government of the United States to prosecute said war to a speedy and successful termination, the President be and he is hereby authorized to employ the militia, naval, and military forces of the United States, and to call for and accept the services of any number of volunteers, not exceeding fifty thousand, who may offer their services either as cavalry, artillery, infantry, or riflemen, to serve twelve months after they shall have arrived at place of rendezvous, or to the end of the war, unless sooner discharged, according to the time for which they shall have been mustered into service; and that the sum of ten millions of dollars, out of any moneys in the Treasury or to come into the Treasury, not otherwise appropriated, be and the same is hereby appropriated, for the purpose of carrying the provisions of this act into effect.

President authorized to employ militia, naval, and military forces of the U. S. and to call for and accept the services of volunteers not exceeding 50,000.

Time volunteers are to serve.

Ten millions of dollars appropriated.

§ 2. *And be it further enacted*, That the militia, when called into the service of the United States by virtue of this act, or any other act, may, if in the opinion of the President of the United States the public interest requires it, be compelled to serve for a term not exceeding six months after their arrival at the place of rendezvous, in any one year, unless sooner discharged.

Militia to serve six months.

Volunteers to furnish their clothes, horses, and equipments, and to be armed at the expense of the U. S.

Volunteers to be subject to the rules and articles of war.

Commutation for clothing.

Volunteers how to be accepted.

Their officers how appointed.

Organization, and apportionment of field, staff, and general officers.

Provision for volunteers wounded in the service.

President authorized to complete all public armed vessels now authorized by law, and to purchase, &c. merchant vessels and steamboats.

Organization, pay, and emoluments.

Allowance to mounted men for use and risk of their horses.

§ 3. *And be it further enacted*, That the said volunteers shall furnish their own clothes, and if cavalry, their own horses and horse equipments; and when mustered into service shall be armed at the expense of the United States.

§ 4. *And be it further enacted*, That said volunteers shall, when called into actual service, and while remaining therein, be subject to the rules and articles of war, and shall be in all respects, except as to clothing and pay, placed on the same footing with similar corps of the United States army; and in lieu of clothing every non-commissioned officer and private in any company, who may thus offer himself, shall be entitled, when called into actual service, to receive in money a sum equal to the cost of clothing of a non-commissioned officer or private (as the case may be) in the regular troops of the United States.

§ 5. *And be it further enacted*, That the said volunteers so offering their services shall be accepted by the President in companies, battalions, squadrons, and regiments, whose officers shall be appointed in the manner prescribed by law in the several States and Territories to which such companies, battalions, squadrons, and regiments shall respectively belong.

§ 6. *And be it further enacted*, That the President of the United States be and he is hereby authorized to organize companies so tendering their services into battalions or squadrons, battalions and squadrons into regiments, regiments into brigades, and brigades into divisions, as soon as the number of volunteers shall render such organization, in his judgment, expedient; and the President shall, if necessary, apportion the staff, field, and general officers among the respective States and Territories from which the volunteers shall tender their services as he may deem proper.

§ 7. *And be it further enacted*, That the volunteers who may be received into the service of the United States by virtue of the provisions of this act, and who shall be wounded or otherwise disabled in the service, shall be entitled to all the benefit which may be conferred on persons wounded in the service of the United States.

§ 8. *And be it further enacted*, That the President of the United States be and he is hereby authorized forthwith to complete all the public armed vessels now authorized by law, and to purchase or charter, arm, equip, and man such merchant vessels and steamboats as, upon examination, may be found fit, or easily converted into armed vessels fit for the public service, and in such number as he may deem necessary for the protection of the seaboard, lake coast, and the general defence of the country.

§ 9. *And be it further enacted*, That whenever [the militia or volunteers are called and received into the service of the United States, under the provisions of this act, they shall have the organization of the army of the United States, and shall have the same pay and allowances; and all mounted privates, non-commissioned officers, musicians, and artificers, shall be allowed 40 cents per day for the use and risk of their horses, except of

horses actually killed in action ; and if any mounted volunteer, private, non-commissioned officer, musician, or artificer shall not keep himself provided with a serviceable horse, the said volunteer shall serve on foot. *Approved, May-13th, 1846.*

CHAP. 17. An act to authorize an increase of the rank and file of the army of the United States.

§ 1. *Be it enacted, &c.,* That the President of the United States be and is hereby authorized, by voluntary enlistment, to increase the number of privates in each or any of the companies of the existing regiments of dragoons, artillery, and infantry to any number not exceeding one hundred, whenever, in his opinion, the exigencies of the public service may require the same, and to reduce the same to sixty-four when the exigencies requiring the present increase shall cease : *Provided,* That said enlistments shall be for the term of five years and no longer, unless sooner disbanded by the President.

Number of privates in each and any of the existing regiments to be increased.

Reduced when the exigencies requiring such increase shall cease. *Provide.*

Approved, May 13th, 1846.

CHAP. 21. An act for the organization of a company of sappers, miners, and pontoniers.

§ 1. *Be it enacted, &c.,* That there be added to the corps of engineers one company of sappers, miners, and pontoniers, to be called engineer soldiers ; which company shall be composed of ten sergeants, or master workmen, ten corporals or overseers, two musicians, thirty-nine privates of the first class, or artificers, and thirty-nine privates of the second class, or laborers ; in all one hundred men.

A company of sappers, miners, and pontoniers raised.

§ 2. *And be it further enacted,* That the pay and rations of the sergeants, or master workmen of said company, shall be the same as those now allowed by law to the master workmen employed by the ordnance department, excepting that the engineer sergeants shall receive one ration only per day, instead of one ration and a half ; of the corporals, or overseers, the same as those now allowed by law to the armorers, carriage-makers, and blacksmiths employed by the ordnance department, excepting that the engineer corporals shall receive one ration only per day, instead of one ration and a half ; of the privates of the first class, or artificers, the same as those now allowed by law to the artificers employed by the ordnance department ; of the privates of the second class, or laborers, the same as those now allowed by law to the laborers employed by the ordnance department ; and of the musicians, the same as those allowed by law to the musicians of the line of the army ; the said non-commissioned officers, privates, and musicians being respectively entitled to the same clothing and other allowances as are granted by law to non-commissioned officers, privates, and musicians of the artillery in the army of the United States.

Pay and rations.

Clothing.

§ 3. *And be it further enacted,* That the said engineer company shall be subject to the rules and articles of war ; shall be re-

Placed on the same footing as

other troops of the U. S. recruited in the same manner, and with the same limitation, and shall be entitled to the same provisions, allowances, and benefits, in every respect, as are allowed to the other troops constituting the present military peace establishment.

To be attached to the corps of engineers, and to be officered by officers of that corps, &c. § 4. *And be it further enacted*, That the said engineer company shall be attached to and compose a part of the corps of engineers, and be officered by officers of that corps, as at present organized; they shall be instructed in and perform all the duties of sappers, miners, and pontoniers, and shall aid in giving practical instructions in these branches at the Military Academy; they shall, moreover, under the orders of the chief engineer, be liable to serve by detachments, in overseeing and aiding laborers upon fortifications or other works under the engineer department, and in supervising finished fortifications as fort-keepers, preventing injury and applying repairs.

The chief engineer to regulate and determine the number, quality, &c. of the necessary vehicles, pontons, tools, &c. § 5. *And be it further enacted*, That the chief engineer, with the approbation of the Secretary of War, be authorized to regulate and determine the number, quality, form, dimensions, &c. of the necessary vehicles, pontons, tools, implements, arms, and other supplies for the use and service of said company as a body of sappers, miners, and pontoniers.

Appropriation. § 6. *And be it further enacted*, That, for the fiscal year ending June thirtieth, one thousand eight hundred and forty-six, the sum of twenty-five thousand dollars be, and the same is hereby appropriated, to be paid out of any moneys in the treasury not otherwise appropriated, for the pay, subsistence, and clothing of said company, and for carrying out the other purposes of this act.

Approved, May 15, 1846.

CHAP. 22. An act to provide for raising a regiment of mounted riflemen, and for establishing military stations on the route to Oregon.

Regiment of mounted riflemen raised. Organization. § 1. *Be it enacted, &c.* That there shall be raised one regiment of mounted riflemen, to be composed and organized as follows, to wit: One colonel, one lieutenant colonel, one major, one quartermaster sergeant, and two chief buglers, one adjutant, who shall be a lieutenant, one sergeant major, one chief musician, and ten companies: each company shall consist of one captain, one first lieutenant, one second lieutenant, (exclusive of the adjutant lieutenant,) four sergeants, four corporals, two buglers, one farrier, one blacksmith, and sixty-four privates.

Pay and emoluments. § 2. *And be it further enacted*, That the officers, non-commissioned officers, musicians, and privates shall be entitled to the same pay and emoluments as are allowed to dragoons, and that the farrier and blacksmith shall receive the same pay and allowances as are allowed to an artificer of artillery.

To be subject to the rules and articles of war, and recruited in the same manner as the troops of U. S. § 3. *And be it further enacted*, That the said regiment of riflemen shall be subject to the rules and articles of war, and shall be recruited in the same manner as other troops in the service of the United States, and with the same conditions and limitations; and the officers, non-commissioned officers, musicians, privates,

blacksmiths, and farriers shall be entitled to the same provisions for wounds and disabilities, and the same provisions for widows and children, and the same allowances and benefits, in every respect, as are allowed to other troops composing the army of the United States.

Provisions for wounds and disabilities, and for widows and children, &c.

§ 4. *And be it further enacted*, That the non-commissioned officers, musicians, and privates of said regiment, when employed in constructing fortifications, making surveys, cutting roads, or performing other labor, shall be allowed fifteen cents per day each, with a commutation in money for the extra spirit ration, as provided by the act of the second of March, one thousand eight hundred and nineteen, entitled "An act to regulate the pay of the army when on fatigue duty."

Extra compensation for fatigue duty.

Act of 1819, c. 169, ante vol. 13, p. 1722.

§ 5. *And be it further enacted*, That the sum of seventy-six thousand five hundred dollars, for mounting and equipping said regiment, be, and the same hereby is appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated.

Appropriation.

§ 6. *And be it further enacted*, That a sum not exceeding three thousand dollars, out of any moneys in the treasury not otherwise appropriated, be, and the same hereby is appropriated, to defray the expenses of each military station or defence which the President may deem necessary on the line of communication with Oregon, and a sum not exceeding two thousand dollars for making compensation to the Indian tribes which may own or possess the ground on which said station may be erected, and for each station. *Approved, May 19th, 1846.*

Appropriation for military stations on route to Oregon.

CHAP. 23. An act to establish the value of certain foreign coins and moneys of account, and to amend existing laws.

§ 1. *Be it enacted, &c.*, That in all computations at the custom-house, the foreign coins and money of account herein specified shall be estimated as follows, to wit: The specie dollar of Sweden and Norway, at one hundred and six cents. The specie dollar of Denmark, at one hundred and five cents. The thaler of Prussia and of the Northern States of Germany, at sixty-nine cents. The florin of the southern States of Germany, at forty cents. The florin of the Austrian Empire, and of the city of Augsburg, at forty-eight and one half cents. The lira of the Lombardo-Venetian Kingdom, and the lira of Tuscany, at sixteen cents. The franc of France, and of Belgium, and the lira of Sardinia, at eighteen cents six mills. The ducat of Naples, at eighteen cents. The ounce of Sicily, at two dollars and forty cents. The pound of the British provinces of Nova Scotia, New Brunswick, Newfoundland, and Canada, at four dollars.—And all laws inconsistent with this act are hereby repealed.

Value of foreign coins and money of account, established in all computations at custom house.

Approved, May 22d, 1846.

CHAP. 25. An act establishing certain post routes, and for other purposes.

Certain post
routes in Texas
established.

§ 1. *Be it enacted, &c.,* That the following be established as post routes :

IN TEXAS.

From New Orleans, in the State of Louisiana, to Galveston, in Texas, by water.

From Galveston to Houston, by water.

From Galveston, by San Luis and Velasco, to Matagorda.

From Galveston to Corpus Christi, by water.

From Galveston, by Chambersia, Johns, and Liberty to, Swartwout.

From Galveston, by Garner's, to Beaumont.

From Velasco, by Brazoria, Columbia, Orozimbo, Big Creek, Richmond, San Felipe, Centre Hill, and Cedar Creek, to Washington.

From Matagorda, by Caney, Preston, Peach Creek, Egypt, and Columbus, to Lagrange.

From Houston, by Hamblin's and Arnold's, to Washington.

From Houston, by Hodges' Bend, Richmond, Damon's Mills, Egypt, and Texana, to Victoria.

From Houston, by Croft's, to Montgomery.

From Washington, by independence, Brenham, Sieper's, Shelby's, and Rutersville, to Lagrange.

From Washington, by Fanthorp's, Rusk, Montgomery, Lone Oak, Collard's, Huntsville, and Cincinnati, to Crockett.

From Washington, by Boonville, Wheelock, and Franklin, to Falls of Brassos.

From Fanthorp's, by Mitchell's, Leona Mills, Alabama, and Mustang Prairie, to Crockett.

From Huntsville, by McGee's, Rankin's, Swartwout, Hardin's, Criswell, Hooker's, Wilson's, Ratcliff's, Town Bluff, Jasper and Williams, to Sabinetown.

From Crockett, by Masters', Mount Aairy, Douglass, Nacogdoches, Melrose, and Flournoy's to San Augustine.

From Nacogdoches, by Wooten's, Henderson, and Walker's, to Marshall.

From San Augustine, by Shelbyville, Hilliard's, Mount Mourn, and Parry's, to Marchall.

From San Augustine, by Milam, Sabinetown, to Fort Jesup, Louisiana.

From Marshall by Jefferson, Hughes, Dangerfield, Wever's, and Dunham to Boston.

From Marshall, by Port Caddo, to Greenwood, Louisiana.

From Boston, by Mooresville, to Fulton, Arkansas, and from Pine Bluff's, in Jefferson county, to Warren, in Bradley county, in Arkansas.

From Boston, by De Kalb, Savannah, Clarksville, Blossom Prairie, Paris, and Honey Grove, to Bonham.

From Bonham, by McGarra's, Dallas, and Chamber's Creek, Falls of Brassos, to Austin.

From Independence, by Mound Prairie, Caldwell, and Diliard's, to Nashville.

From Lagrange, by Miller's, Cunningham's, Mount Pleasant, Bastrop, Smithwick, and Columbus, to Austin.

From Austin to Gonzales.

From Gonzales, by Seguin and New Braunfels, to San Antonio.

From Clarksville to Fort Towson.

§ 2. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to continue in operation such portions of the present mail service in Texas, established under its former laws, upon any of the foregoing routes, as he may deem expedient—not, however, for a longer period than the thirtieth June, eighteen hundred and fifty; and to make contracts for the appropriate mail service on any of the foregoing routes, either without advertisement, where the same can be effected at rates of compensation not exceeding the average prices for like service in the other States of this Union, or upon advertisements for a less period than twelve weeks, as he shall deem best for the public interests.

Postmaster General may continue present mail service in Texas.

§ 3. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to pay mail contractors in Texas for service duly performed by them since the sixteenth day of February, eighteen hundred and forty-six, and also officers employed in superintending the mail service: *Provided, however*, That such payment shall in no case exceed the compensation agreed upon with the late authorities of Texas: *Provided, also*, That the several postmasters in Texas, appointed by the late Government of Texas, shall duly account to and pay over to the Postmaster General of the United States all balances accruing at their offices, respectively, from & after said sixteenth of February, eighteen hundred and forty-six; that is, all money collected, or to be collected, for postages at their offices, respectively, after deducting the commissions allowed by the law to postmasters in the U. States. And it is hereby enacted and declared to be the duty of said persons and postmasters as aforesaid, in Texas, to account for and pay over to said Postmaster General of the United States all said balances, in the manner and to the extent required by the laws of the United States of the several postmasters of the United States; and the like remedies and means of collecting, and enforcing collection, by suit or otherwise, of said balances, are hereby granted, as now exist by law against the postmasters of the United States. The same rates of postage are to be charged and collected in Texas as in other States of this Union; and all laws concerning the Post Office Department, and regulations thereof, are hereby declared to have full effect and operation in said State from and after said sixteenth of February aforesaid.

Postmaster General may pay mail contractors in Texas for service performed.

Proviso.

Postmasters in Texas to account for and pay over to the Postmaster General all balances, &c.

Rates to be the same as in other States.

§ 4. *And be it further enacted*, That the act establishing certain post routes in Texas approved the sixth of February, anno Domini eighteen hundred and forty-six, be, and the same is hereby repealed. *Approved, May 29th, 1846.*

Repeal of act of Feb. 6, 1846, establishing post routes in Texas.

CHAP. 26. An act in relation to the July term of the circuit and district courts in the district of Ohio.

July term of circuit and district courts in Ohio to be held on 3d Monday of July annually. *Proviso.*

§ 1. *Be it enacted, &c.,* That the July term of the circuit and district courts of the United States in the district of Ohio, shall hereafter be held on the third Monday of July, annually: *Provided,* That all actions, suits, appeals, recognizances, processes, writs, and proceedings whatever, pending or which may be pending in said courts, or returnable to the term as it now exists, shall have day therein, and be heard, tried, proceeded with, and disposed of at the term as fixed by this act.

Approved, May 29th, 1846.

CHAP. 28. An act supplemental to an act entitled "An act providing for the prosecution of the existing war between the United States and the republic of Mexico," and for other purposes.

One major general and two brigadier generals to be appointed.

Proviso.

§ 1. *Be it enacted, &c.* That the President of the United States be, and he hereby is, authorized to appoint, by and with the advice and consent of the Senate, one major general, and two brigadier generals, in addition to the present military establishment: *Provided,* That when the war with Mexico shall be terminated by a definitive treaty of peace, duly concluded and ratified, the number of major generals in the army shall be reduced to one, and the number of brigadier generals shall be reduced to two; and the President of the United States is authorized and directed to select from the whole number which may then be in office, without regard to the date of their commissions, the number to be retained, and cause the remainder to be discharge from the service of the United States.

President authorized to call into service general officers of the militia.

Acte c. 16 p. 3097

§ 2. *And be it further enacted,* That the President of the United States be, and he hereby is, authorized to call into the service, under the act approved May thirteen, eighteen hundred and forty-six, such of the general officers of the militia as the service, in his opinion, may require, and to organize into brigades and divisions the forces authorized by said act, according to his discretion.

Field and staff of separate battalion of volunteers established

§ 3. *And be it further enacted,* That the field and staff of a separate battalion of volunteers, under the said act, shall be one lieutenant colonel or major, one adjutant, with the rank of lieutenant, one sergeant major, one quartermaster sergeant, and a chief bugler or principal musician, according to corps.

Number of privates in a company.

§ 4. *And be it further enacted,* That the President of the United States may limit the privates in any volunteer company, according to his discretion, at from sixty-four to one hundred; and that with every volunteer company an additional second lieutenant may be allowed and accepted.

An additional second lieutenant allowed.

Additional officers of the quartermaster, commissary, and medical departments may be appointed.

§ 5. *And be it further enacted,* That when volunteers or militia are called into the service of the United States in such numbers that the officers of the quartermaster, commissary, and medical departments, authorized by law, be not sufficient to provide for supplying, quartering, transporting, and furnishing them

with the requisite medical attendance, it shall be lawful for the President to appoint, with the advice and consent of the Senate, as many additional officers of said department as the service may require, not exceeding one quartermaster and one commissary for each brigade, with the rank of major, and one assistant quartermaster, with the rank of captain, one assistant commissary, with the rank of captain, one surgeon, and one assistant surgeon, for each regiment; the said quartermasters and commissaries, assistant quartermasters and assistant commissaries, to give bonds, with good and sufficient sureties, for the faithful performance of their duties; and they and the said surgeons and assistant surgeons to perform such duties as the President shall direct: *Provided*, That the said officers shall be allowed the same pay and emoluments as are now allowed to officers of the same descriptions and grades in those departments, respectively; that they be subject to the rules and articles of war, and continue in service only as long as their services shall be required, in connexion with the militia and volunteers.

Proviso.

§ 6. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized to appoint as many additional assistant adjutant generals, not exceeding four, as the service may require: who shall be appointed, by and with the advice and consent of the Senate, in the same manner, have the same brevet rank, pay, and emoluments, and be charged with the same duties, as those now authorized by law: *Provided*, That these additional appointments shall continue only so long as the exigencies of the service may render necessary.

Assistant adjutant generals may be appointed.

Proviso.

§ 7. *And be it further enacted*, That promotion in the quartermaster's department, to the rank of Major, shall hereafter be made from the captains of the army; and that appointments in the line, and in the general staff, which confer equal rank in the army, shall not be held by the same officer at the same time; and when any officer of the staff who may have been taken from the line shall, in virtue of seniority, have obtained or be entitled to promotion to a grade in his regiment equal to the commission he may hold in the staff, the said officer shall vacate such staff commission, or he may, at his option, vacate his commission in the line.

Promotions and appointments.

§ 8. *And be it further enacted*, That the aids-de-camp of the major general commanding the army in time of war may be taken from the line, without regard to rank; and the aids-de-camp allowed to other major generals and brigadier generals may be taken from the grade of captain or subaltern; and that the commanding or highest general in rank may, while in the field, appoint a military secretary from the subalterns of the army, who shall have the pay and emoluments of a major of cavalry for the time being.

*Aids-de-camp.**Military secretary.*

§ 9. *And be it further enacted*, That the allowance for clothing to each non-commissioned officer, musician, and private

Allowance for clothing.

of volunteers shall be three dollars and fifty cents per month, during the time he shall be in the service of the United States.

Subsistence and
forage of volun-
teers and militia.

§ 10. *And be it further enacted*, That the non-commissioned officers, musicians, and privates of volunteers and militia, when called into the service of the United States, shall be entitled to receive fifty cents, in lieu of subsistence, and twenty-five cents in lieu of forage for such as are mounted, for every twenty miles, by the most direct route, from the period of leaving their homes, to the place of general rendezvous, and from the place of discharge back to their homes.

Enlistments
authorized.

§ 11. *And be it further enacted*, That the colonel or senior officer of the ordnance department is authorized to enlist for the service of that department as many master armorers, master carriage makers, master blacksmiths, artificers, armorers, carriage makers, blacksmiths, and laborers, as the public service, in his judgment, under the directions of the Secretary for the Department, of War, may require. *Approved, June 18th, 1846*

CHAP. 29. An act making alterations in the pay department of the army.

Paymasters to
be appointed.

§ 1. *Be it enacted, &c.*, That the President of the United States be and he is hereby authorized, by and with advice and consent of the Senate, to appoint three additional paymasters, to be attached to the pay department of the army.

Duties, compen-
sation, &c.

§ 2. *And be it further enacted*, That the officers appointed in virtue of this act shall perform the same duties, receive the same pay and allowances as the present paymasters of the army, and shall, in like manner, be subject to the rules and articles of war; and previous to entering upon the duties of their office, shall give such bonds to the United States as the Secretary of War may direct for the faithful performance of their duties.

Approved, June 17th, 1846.

CHAP. 33. An act to provide for the organization of the volunteer forces, brought into the service of the United States, into brigades and divisions, and for the appointment of the necessary number of general officers to command the same.

The President
to organize them
into brigades and
divisions.
Ante c. 16 p. 3097.

§ 1. *Be it enacted, &c.* That the President of the United States be, and he is hereby, authorized to organize into brigades and divisions such of the volunteer forces as have been or may be called into the service of the United States, under the act approved May thirteen, eighteen hundred and forty-six, entitled "An act providing for the prosecution of the existing war between the United States and the Republic of Mexico;" and that he be, and hereby is, authorized to appoint, by and with the advice and consent of the Senate, such number of major generals and brigadier generals as the organization of such volunteer forces into brigades and divisions may render necessary: *Provided*, That the brigadier generals and major generals so appointed shall be discharged from service by the President of the United States, when the war with Mexico shall be terminated by a defi-

May appoint such
number of major
generals and brig-
adier generals as
may be necessary.
Proviso.

nite treaty of Peace, duly concluded and ratified ; or, in case the brigades or divisions of volunteers at any time in the service shall be reduced in number, the brigadier generals and the major generals herein provided for shall be discharged in proportion to the reduction in the number of the brigades and divisions: *And provided, further,* That each brigade of volunteers shall consist of not less than three regiments, and each division shall consist of not less than two brigades.

Strength of each
brigade and division.

Approved, June 26th, 1846.

CHAP. 35. An act to retrocede the county of Alexandria, in the District of Columbia, to the State of Virginia.

Whereas, no more territory ought to be held under the exclusive legislation given to Congress over the District which is the Seat of the General Government than may be necessary and proper for the purposes of such a seat ; and whereas, experience hath shown that the portion of the District of Columbia ceded to the United States by the State of Virginia has not been, nor is ever likely to be, necessary for that purpose ; and whereas, the State of Virginia, by an act passed on the third day of February, eighteen hundred and forty-six, entitled " An act accepting by the State of Virginia the county of Alexandria, in the District of Columbia, when the same shall be receded by the Congress of the United States," hath signified her willingness to take back the said territory ceded as aforesaid : Therefore—

Preamble.

§ 1. *Be it enacted, &c.,* That, with the assent of the people of the county and town of Alexandria, to be ascertained as hereinafter prescribed, all of that portion of the District of Columbia ceded to the United States by the State of Virginia; and all the rights and jurisdiction therewith ceded over the same, be, and the same are hereby, ceded and forever relinquished to the State of Virginia, in full and absolute right and jurisdiction, as well of soil as of persons residing or to reside thereon.

All that portion
of the District of
Columbia ceded
by the State of
Virginia retroced-
ed to said State.

§ 2. *And be it further enacted,* That nothing herein contained shall be construed to vest in the State of Virginia any right of property in the custom-house and post office of the United States within the town of Alexandria, or in the soil of the territory hereby receded, so as to affect the rights of individuals or corporations therein, otherwise than as the same shall or may be transferred by such individuals or corporations to the State of Virginia.

Nothing herein
contained to be
construed so as to
vest in the State
of Virginia any
right of property
in the custom
house and post
office, &c.

§ 3. *And be it further enacted,* That the jurisdiction and laws now existing in the said territory, ceded to the United States by the State of Virginia, as aforesaid, over the persons and property of individuals therein residing, shall not cease or determine until the State of Virginia shall hereafter provide, by law, for the extension of her jurisdiction and judicial system over the said territory hereby receded.

Existing laws
and jurisdiction
not to cease or
determine until
the State of Vir-
ginia shall pro-
vide by law for
the extension of
her jurisdiction,
&c.

Assent of the people of Alexandria town and county to be given before this act shall take effect.

§ 4. *And be it further enacted*, That this act shall not be in force until after the assent of the people of the county and town of Alexandria shall be given to it in the mode hereafter provided. Immediately after the close of the present session of Congress, the President of the United States shall appoint five commissioners, (any three of whom may act,) citizens of the said town or county of Alexandria, and freeholders within the same, who shall be sworn before some justice of the peace in and for the said town or county, to discharge the duties hereby imposed upon them faithfully, impartially, and to the best of their ability. These commissioners, or any of them, shall proceed, within ten days after they are notified of their appointment, to fix upon the time, place, and manner of taking the vote within the town or county of Alexandria, and shall give notice of the same by advertisement in the newspapers of the said town. And on the day and at the place so appointed, every free white male citizen of the United States, who shall have resided in said county of Alexandria for six months preceding the time when he offers his vote, insane persons and paupers excepted, shall vote viva voce upon the question of accepting or rejecting the provisions of this act. The said commissioners shall preside when this vote is taken, and decide all questions arising in relation to the right of voting under this act. Within three days after this vote is taken as aforesaid, the said commissioners shall make out three statements of the result of this poll, upon oath, and under their seals. Of these, one shall be transmitted to the President of the United States, one to the Governor of the Commonwealth of Virginia, and one shall be deposited in the clerk's office of the county court of Alexandria. If a majority of the votes so given shall be cast against accepting the provisions of this act, then it shall be void and of no effect; but if a majority of the said votes should be in favor of accepting the provisions of this act, then this act shall be in full force, and it shall be the duty of the President of the United States to inform the Governor of Virginia that this act is in full force and effect, and to make proclamation of the fact.

Manner of ascertaining the sense of the people of said town and county.

Right of property in the court-house and jail to be conveyed to the Governor of Virginia for use of said town and county.

§ 5. *And be it further enacted*, That, in such case, the right of property in the half square in Alexandria on which stands the court-house, bounded by Columbus, Queen, and Princess streets, and the half square on which stands the jail, bounded by Princess, St. Asaph, and Pitt streets, shall be conveyed to the Governor of Virginia, and his successors, for the use of the county and corporation of Alexandria forever; and the Solicitor of the Treasury of the United States is hereby authorized and required, in the name and on the behalf of the United States, to make all the proper and necessary conveyances for that purpose.

The debt of the corporation of Alexandria not to be assumed by Congress.

§ 6. *Be it further enacted*, That Congress will in no event assume and pay the debt, or any part thereof, now due by the corporation of the city of Alexandria.

Approved, July 9th, 1846.

CHAP. 36. An act to authorize the President of the United States to sell the reserved mineral lands in the States of Illinois and Arkansas, and Territories of Wisconsin and Iowa, supposed to contain lead ore.

§ 1. *Be it enacted, &c.*, That the President be, and he hereby is, authorized, as soon as practicable, to cause the reserved lead mines and contiguous lands in the States of Illinois and Arkansas, and Territories of Wisconsin and Iowa, belonging to the United States, to be exposed to sale, in the same manner that other public lands are authorized by law to be sold, except as hereinafter provided.

All the reserved lead mines and contiguous lands in Illinois, Arkansas, Wisconsin, and Iowa to be exposed to sale.

§ 2. *And be it further enacted*, That six months' notice of the times and places of said sales shall be given in such newspapers of general circulation, in such of the States as the President may think expedient, with a brief description of the mineral regions of the States of Illinois and Arkansas, and Territories of Wisconsin and Iowa, and of the lands to be offered for sale; showing the number and localities of the different mines now known, the probability of discovering others, the quality of the ore, the facilities of working it, the further facilities (if any) for manufactures of shot, sheet lead, and paints, and the means and expense of transporting the whole to the principal markets in the United States: *Provided*, That the said lands shall not be subject to the rights of pre-emption until after the same have been offered at public sale and subject to private entry.

Six months public notice to be given of such sales, with a brief description, &c.

§ 3. *And be it further enacted*, That upon satisfactory proof made to the register and receiver of the proper land office, that any tract or tracts of said lands contain a mine or mines of lead ore, actually discovered and being worked, then, and in that case, the same shall be sold in such legal subdivision or subdivisions as will include such mine or mines; and no bid shall be received therefor at a less rate than the sum of two dollars and fifty cents per acre; and if such tract or tracts shall not be sold at such public sale, at such price, nor shall be entered at private sale within twelve months thereafter, then the same shall be subject to sale as other lands: *Provided*, That no legal subdivision of any of said lands, upon which there may be an outstanding lease or leases from the Government of the United States, or their authorized agent, unexpired and undetermined, shall be sold until after the determination of such lease or leases by effluxion of time, voluntary surrender, or other legal extinguishment thereof. *Approved, July 11th, 1846.*

proviso.

Any tract containing a mine or mines of lead ore to be sold in such legal subdivisions as will include such mine or mines. No bid to be received for less than \$2 50 per acre.

proviso.

CHAP. 38. An act to change the time of holding the federal court in North Carolina.

§ 1. *Be it enacted, &c.*, That the circuit courts of the United States for the district of North Carolina shall be held at Raleigh, on the first Monday in June and the first Monday in December, instead of the times now prescribed by law; and all actions, suits, appeals, recognizances, processes, writs, and proceedings whatever, pending, or which may be pending, in said courts,

Circuit court for North Carolina to be held at Raleigh on 1st Mondays in June and December, instead of the times now prescribed by law.

or returnable thereto, shall have day therein, and be heard, tried, proceeded with, and decided in like manner as if the time of holding said court had not hereby been altered,

Approved, July 15th, 1846.

CHAP. 60. An act to exempt canal boats from the payment of fees and hospital money.

Canal boats exempted from the payment of fees and hospital money.

Persons employed in them to receive no benefit from the hospital fund.

Such boats not subject to libel in the courts of the U. S.

Repeal of acts repugnant to this act.

§ 1. *Be it enacted, &c.,* That the owner or owners, master or captain, or other persons employed in navigating canal boats without masts or steam power, now by law required to be registered, licensed, or enrolled and licensed, shall not be required to pay any marine hospital tax or money; nor shall the person employed to navigate such boats receive any benefit or advantage from the marine hospital fund; nor shall such owner or owners, master or captain, or other persons be required to pay fees, or make any compensation for such register, license, or enrolment and license, nor shall any such boat be subject to be libelled in any of the United States courts for the wages of any person or persons who may be employed on board thereof, or in navigating the same.

§ 2. *And be it further enacted,* That all acts and parts of acts repugnant to the provisions of this act, be, and the same are hereby repealed. *Approved, July 20th, 1846.*

CHAP. 64. An act authorizing and issue of treasury notes and a loan.

Issue of Treasury notes authorized.

Not exceeding ten millions to be outstanding at any one time and to be issued under the limitations of the act of October 13, 1837. Act of 1837 c. 2, ante, p. 2637.

The President may borrow money in lieu of issuing Treasury notes, and issue stock for sum borrowed, &c. Act of 1842 c. 51, ante p. 2661.

§ 1. *Be it enacted, &c.,* That the President of the United States is hereby authorized to cause treasury notes to be issued for such sum or sums as the exigencies of the government may require; and in place of such of the same as may be redeemed, to cause others to be issued; but not exceeding the sum of ten millions of dollars of this emission outstanding at any one time, and to be issued under the limitations and other provisions contained in the act entitled "An act to authorize the issue of treasury notes," approved the twelfth of October, one thousand eight hundred and thirty-seven, except that the authority hereby given to issue treasury notes shall expire at the end of one year from the passage of this act.

§ 2. *And be it further enacted,* That the President, if in his opinion it shall be the interest of the United States so to do, instead of issuing the whole amount of treasury notes authorized by the first section of this act, may borrow on the credit of the United States such an amount of money as he may deem proper, and issue therefor stock of the United States for the sum thus borrowed, in the same form, and under the same restrictions, limitations, and provisions, as are contained in the act of Congress, approved April fifteenth, one thousand eight hundred and forty-two, entitled "An act for the extension of the loan of eighteen hundred and forty-one, and for an addition of five millions of dollars thereto, and for allowing interest on treasury notes due." *Provided, however,* That the sum so borrowed,

Proviso.]

together with the treasury notes issued by virtue of this act, shall not in the whole exceed the sum of ten millions of dollars: *And provided, further,* That no commission shall be allowed or paid for the negotiation of the loan authorized by this act; and also that the said stock shall be redeemable at a period not longer than ten years from the issue thereof.

§ 3. *And be it further enacted,* That the treasury notes and stock issued under the provisions of this act shall not bear a higher rate of interest than six per centum per annum, and no part thereof shall be disposed of at a less than par. Not to bear a higher rate of interest than six per cent.

§ 4. *And be it further enacted,* That no compensation shall be made to any officer, whose salary is fixed by law, for preparing, signing, or issuing treasury notes; nor shall any clerks be employed beyond the number authorized by the act herein referred to. No compensation to be made to any salaried officer for preparing, signing, and issuing said notes, &c.

§ 5. *And be it further enacted,* That the sum of fifty thousand dollars be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated for the purpose of paying the amount of certain treasury notes (which, having been received or redeemed by any authorized officer of the government, were subsequently purloined or stolen and put into circulation without evidence on their face of their having been cancelled) to the respective holders, who may have received the same, or any of them, for a full consideration, in the usual course of business, without notice or knowledge of the same having been stolen, or cancelled, or altered, and without any circumstances to cast suspicion on the good faith or due caution with which they may have received the same. \$50,000 appropriated for paying the amount of certain notes which were purloined, &c.

Approved, July 22d, 1846.

CHAP. 66. An act in relation to the payment of claims.

§ 1. *Be it enacted, &c.,* That whenever a claim on the United States aforesaid shall hereafter have been allowed by a resolution or act of Congress, and thereby directed to be paid, the money shall not, nor shall any part thereof, be paid to any person or persons other than the claimant or claimants, his or their executor or executors, administrator or administrators, unless such person or persons shall produce to the proper disbursing officer a warrant of attorney executed by such claimant or claimants, executor or executors, administrator or administrators, after the enactment of the resolution or act allowing the claim; and every such warrant of attorney shall refer to such resolution or act, and expressly recite the amount allowed thereby, and shall be attested by two competent witnesses, and be acknowledged by the person or persons executing it, before an officer having authority to take the acknowledgment of deeds, who shall certify such acknowledgement; and it shall appear by such certificate that such officer, at the time of the making of such acknowledgement, read and fully explained such warrant of attorney to the person or persons acknowledging the same. Claims allowed by Congress not to be paid to any other person or persons than the claimants, their executor, administrators, or duly constituted attorneys. Requisite form of warrant of attorney.

Approved July 29th, 1846.

CHAP. 67. An Act further to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office.

Act of August 19, 1844, for locating Virginia military land warrants, &c. extended to 1st January, 1846.
Act of 1841. c. 10. ante p. 2838.

§ 1. *Be it enacted &c.* That the act entitled "An act further to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office," approved August nineteen, eighteen hundred and forty-one, as to all warrants issued prior to the tenth day of August, eighteen hundred and forty, and no others, be and the same is hereby, revived and continued in for until the first day of January, eighteen hundred and forty-eight. *Approved, July 29th, 1846.*

CHAP. 68. An Act giving the assent of Congress to a change of the compact entered into between the United States and the State of Arkansas, on her admission into the Union.

Preamble.

Whereas the Congress of the United States, by an act supplementary to an act for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes, approved June twenty-third, eighteen hundred and thirty-six, in the fifth proposition made to the State of Arkansas, and which was subsequently accepted by the General Assembly of the State of Arkansas, provided that the two entire townships of land located by virtue of an act of Congress entitled "An act concerning a seminary of learning in the Territory of Arkansas," approved the second day of March, eighteen hundred and twenty-seven, which, by the first recited act of Congress, were vested in and confirmed to the General Assembly of the State of Arkansas, to be appropriated solely to the use and support of a university in said State: And whereas the General Assembly of the State of Arkansas have, by their resolution, approved December eighteen, eighteen hundred and forty-four, asked for a modification of said compact to authorize said General Assembly to appropriate said seventy-two sections of land to common school purposes: Therefore,

Act of 1836. c. 180. ante Vol. 4 p. 945B.

Act of 1827. c. 210. Vol. 3. p. 2063.

Assent of Congress given to a change of the compact so as to authorize the appropriation of 72 sections of land for school purposes, &c.

§ 1. *Be it enacted, &c.* That the assent of Congress be, and is hereby, given to the change in said compact asked for by the said General Assembly, so as to authorize and empower the General Assembly of the State of Arkansas, and they are hereby authorized and empowered, to appropriate said seventy-two sections of land for the use and benefit of common schools in said State, or in any other mode the said General Assembly may deem proper, for the promotion of education in said State.

Approved July 29th, 1846.

CHAP. 74. An act reducing the duty on imports, and for other purposes.

§ 1. *Be it enacted, &c.,* That from and after the first of December next, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, and on such as may now be ex-

empt from duty, there shall be levied, collected, and paid, on the goods, wares, and merchandise herein enumerated and provided for, imported from foreign countries, the following rates of duty—that is to say :

On goods, wares, and merchandise mentioned in schedule A, a duty of *one hundred* per centum ad valorem.

On goods, wares, and merchandise mentioned in schedule B, a duty of *forty* per centum ad valorem.

On goods, wares, and merchandise mentioned in schedule C, a duty of *thirty* per centum ad valorem.

On goods, wares, and merchandise mentioned in schedule D, a duty of *twenty-five* per centum ad valorem.

On goods, wares, and merchandise mentioned in schedule E, a duty of *twenty* per centum ad valorem.

On goods, wares, and merchandise mentioned in schedule F, a duty of *fifteen* per centum ad valorem.

On goods, wares, and merchandise mentioned in schedule G, a duty of *ten* per centum ad valorem.

On goods, wares, and merchandise mentioned in schedule H, a duty of *five* per centum ad valorem.

§ 2. *And be it further enacted*, That from and after the first day of December next, the goods, wares, and merchandise mentioned in schedule I shall be exempt from duty. Schedule I duty free.

§ 3. *And be it further enacted*, That from and after the first day of December next, there shall be levied, collected, and paid on all goods, wares, and merchandise imported from foreign countries, and not specially provided for in this act, a duty of *twenty* per centum ad valorem. 20 per cent duty on all importations not specially provided for.

§ 4. *And be it further enacted*, That in all cases in which the invoice or entry shall not contain the weight or quantity or measure of goods, wares, or merchandise now weighed or measured or gauged, the same shall be weighed, gauged, or measured at the expense of the owner, agent, or consignee. Goods to be weighed, gauged, or measured in certain cases.

§ 5. *And be it further enacted*, That from and after the first day of December next, in lieu of the bounty heretofore authorized by law to be paid on the exportation of pickled fish of the fisheries of the United States, there shall be allowed, on the exportation thereof, if cured with foreign salt, a drawback equal in amount to the duty paid on the salt, and no more, to be ascertained under such regulations as may be prescribed by the Secretary of the Treasury. Drawback in lieu of bounty on pickled fish.

§ 6. *And be it further enacted*, That all goods, wares, and merchandise imported after the passage of this act and which may be in the public stores on the second day of December next, shall be subject to no other duty upon the entry thereof than if the same were imported respectively after that day. Goods, &c. imported after the passage of this act and in store on 2d Dec. to be subject to no higher duties than if imported after that day.

§ 7. *And be it further enacted*, That the twelfth section of the act entitled "An act to provide revenue from imports, and to change and modify existing laws imposing duties on imports, and for other purposes," approved August thirty, eighteen hundred and forty-two, shall be, and the same is hereby, so far modified, Sec. 12 of act of Aug. 30, 1842, modified. Act of 1843 c. 298, p. 3919.

that all goods imported from this side the Cape of Good Hope or Cape Horn may remain in the public stores for the space of one year instead of the term of sixty days prescribed in the said section; and that all goods imported from beyond the Cape of Good Hope or Cape Horn may remain in the public stores one year instead of the term of ninety days prescribed in the said section.

Owners & consignees of imports may make addition in entry in certain cases.

§ 8. *And be it further enacted*, That it shall be lawful for the owner, consignee, or agent of imports which have been actually purchased, on entry of the same, to make such addition in the entry to the cost or value given in the invoice, as in his opinion may raise the same to the true market value of such imports in the principal markets of the country whence the importation shall have been made, or in which the goods imported shall have been originally manufactured or produced, as the case may be; and to add thereto all costs and charges which under existing laws, would form part of the true value at the port where the same may be entered, upon which the duties should be assessed.

Collector to cause the dutiable value of imports to be appraised, and to exact 20 per cent. additional duty in certain cases.

And it shall be the duty of the collector within whose district the same may be imported or entered to cause the dutiable value of such imports to be appraised, estimated, and ascertained in accordance with the provisions of existing laws; and if the appraised value thereof shall exceed by ten per centum or more the value so declared on the entry, then, in addition to the duties imposed by law on the same, there shall be levied, collected, and paid, a duty of twenty per centum ad valorem on such appraised value: *Provided, nevertheless*, That under no circumstances shall the duty be assessed upon an amount less than the invoice value, any law of Congress to the contrary notwithstanding.

Proviso.

Deputies and clerks to be sworn.

§ 9. *And be it further enacted*, That the deputies of any collector, naval officer, or surveyor, and the clerks employed by any collector, naval officer, surveyor, or appraiser, who are not by existing laws required to be sworn, shall, before entering upon their respective duties, or, if already employed, before continuing in the discharge thereof, take and subscribe an oath or affirmation faithfully and diligently to perform such duties, and to use their best endeavors to prevent and detect frauds upon the revenue of the United States; which oath or affirmation shall be administered by the collector of the port or district where the said deputies or clerks may be employed, and shall be of a form to be prescribed by the Secretary of the Treasury.

Officers of the Navy prohibited from importing U. S. vessels in goods liable to duty.

§ 10. *And be it further enacted*, That no officer or other person connected with the navy of the United States, shall, under any pretence, import in any ship or vessel of the United States any goods, wares, or merchandise liable to the payment of any duty.

Repeal of acts inconsistent.

§ 11. *And be it further enacted*, That all acts and parts of acts repugnant to the provisions of this act be, and the same are hereby, repealed.

SCHEDULE A.—(*One hundred per centum ad valorem.*)

Brandy and other spirits distilled from grain, or other mate-

rials; cordials, absynthe, arrack, curacoa, kirschenwasser, liquers, Schedule A 100 per cent ad valorem. maraschino, ratafia, and all other spirituous beverages of a similar character.

SCHEDULE B.—(Forty per centum ad valorem.)

Alabaster and spar ornaments; almonds; anchovies, sardines, Schedule B 40 per cent ad valorem. and all other fish preserved in oil; camphor refined; cassia; cloves; composition tops for tables, or other articles of furniture; comfits, sweetmeats, or fruit preserved in sugar, brandy, or molasses; currants; dates; figs; ginger root, dried or green; glass, cut; mace; manufactures of cedar wood, granadilla, ebony, mahogany, rosewood, and satin wood; nutmegs; pimento; prepared vegetables, meats, poultry, and game sealed or enclosed in cans, or otherwise; prunes; raisins; scagliola tops for tables, or other articles of furniture; segars, snuff, paper segars, and all other manufactures of tobacco; wines—Burgundy, champagne, claret, Madeira, Port, sherry, and all other wines and imitations of wines.

SCHEDULE C.—(Thirty per centum ad valorem.)

Ale, beer, and porter in casks or bottles; argentine, alabatta, Schedule C 30 per cent. ad valorem. or German silver, manufactured or unmanufactured; articles embroidered with gold, silver, or other metal; articles worn by men, women or children, of whatever material composed, made up, or made wholly or in part, by hand; asses' skins; balsams, cosmetics, essences, extracts, pastes, perfumes, and tinctures, used either for the toilet or for medicinal purposes; baskets, and all other articles composed of grass, osier, palmleaf, straw, whalebone, or willow, not otherwise provided for; bay rum; beads, of amber, composition, or wax, and all other beads; bologna sausages; bracelets, braids, chains, curls, or ringlets, composed of hair, or of which hair is a component part; braces, suspenders, webbing, or other fabric, composed wholly or in part of India rubber, not otherwise provided for; brooms and brushes of all kinds; cameos, real and imitation, and mosaics, real and imitation, when set in gold, silver, or other metal; canes, and sticks for walking, finished or unfinished; capers, pickles, and sauces of all kinds, not otherwise provided for; caps, hats, muffs, and tippets of fur, and all other manufactures of fur, or of which fur shall be a component material; caps, gloves, leggins, mitts, socks, stockings, wove shirts and drawers, and all similar articles made on frames, worn by men, women, or children, and not otherwise provided for; card cases, pocket books, shell boxes, souvenirs, and all similar articles; of whatever material composed; carpets, carpeting, hearth rugs, besides, and other portions of carpeting, being either Aubusson, Brussels, ingrain, Saxony, Turkey, Venetian, Wilton, or any other similar fabric; carriages and parts of carriages; cayenne (pepper, cheese; cinnamon; clocks and parts of clocks; clothing ready made, and wearing apparel of every description, of whatever material composed, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer; coach

and harness furniture of all kinds ; coal ; coke and culm of coal ; combs of all kinds ; compositions of glass or paste, when set ; confectionary of all kinds, not otherwise provided for ; coral, cut or manufactured ; corks ; cotton cords, gimps, and galloons ; court plaster ; crayons of all kinds ; cutlery of all kinds ; diamonds, gems, pearls, rubies, and other precious stones, and imitations of precious stones, when set in gold, silver, or other metal ; dolls, and toys of all kinds ; earthen, china, and stone ware, and all other wares composed of earthy and mineral substances, not otherwise provided for ; epulets, galloons, laces, knots, stars, tassels, tresses, and wings of gold, silver, or other metal ; fans and fire screens of every description, of whatever material composed ; feathers and flowers, artificial or ornamental, and parts thereof, of whatever material composed ; fire crackers ; flats, braids, plaits, sparterre, and willow squares, used for making hats or bonnets ; frames and sticks for umbrellas, parasols, and sunshades, finished or unfinished ; furniture, cabinet and household ; ginger, ground ; glass, colored, stained, or painted ; glass crystals for watches ; glasses or pebbles for spectacles ; glass tumblers, plain moulded, or pressed, not cut or punted ; paintings on glass ; porcelain glass ; grapes ; gum benzoin or Renjamin ; hair pencils ; hat bodies of cotton ; hats and bonnets, for men, women, and children ; composed of straw, satin straw, chip, grass, palmleaf, willow, or any other vegetable substance, or of hair, whalebone, or other material not otherwise provided for ; hemp, unmanufactured ; honey ; human hair, cleansed or prepared for use ; ink and ink powder ; iron, in bars, blooms, bolts, loops, pigs, rods, slabs, or other form, not otherwise provided for ; castings of iron ; old or scrap iron ; vessels of cast iron ; jappanned ware of all kinds, not otherwise provided for ; jewelry, real or imitation ; jet and manufactures of jet, and imitations thereof ; lead pencils ; maccaroni, vermicelli, gelatine, jellies, and similar preparations ; manufactures of the bark of the cork tree, except corks ; manufactures of bone, shell, horn, pearl, ivory, or vegetable ivory ; manufactures, articles, vessels, and wares, not otherwise provided for, of brass, copper, gold, iron, lead, pewter, platina, silver, tin, or other metal, or of which either of those metals or any other metal shall be the component material of chief value ; manufactures of cotton, linen, silk, wool, or worsted, if embroidered or tamboured in the loom or otherwise, by machinery, or with the needle, or other process ; manufactures, articles, vessels, and wares of glass, or of which glass shall be a component material, not otherwise provided for ; manufactures and articles of leather, or of which leather shall be a component part, not otherwise provided for ; manufactures and articles of marble, marble paving tiles, and all other marble more advanced in manufacture than in slabs or blocks in the rough ; manufactures of paper, or of which paper is a component material, not otherwise provided for ; manufactures, articles, and wares of papier mache ; manufactures of wood, or of which wood is a component part,

not otherwise provided for; manufactures of wool, or of which wool shall be the component material of chief value, not otherwise provided for; medicinal preparations, not otherwise provided for; metallic pens; mineral waters; molasses; muskets, rifles, and other firearms; nuts, not otherwise provided for; ochres, and ochrey earths, used in the composition of painters' colors, whether dry or ground in oil; oil-cloth of every description, of whatever material composed; oils, volatile, essential, or expressed, and not otherwise provided for; olive oil, in casks, other than solid oil; olive solid oil, and all other olive oil, not otherwise provided for; olives; paper—antiquarian, demy, drawing, elephant, foolscap, imperial, letter, and all other paper not otherwise provided for; paper boxes and all other fancy boxes; paper envelopes; parasols and sunshades; parchment; pepper; plated and gilt ware of all kinds; playing cards; plums; potatoes; red chalk pencils; saddlery of all kinds, not otherwise provided for; salmon, preserved; sealing wax; sewing silks, in the gum or purified; shoes composed wholly of India rubber; side-arms of every description; silk twist, and twist composed of silk and mohair; silver plated metal, in sheets or other form; soap—Castile, perfumed, Windsor, and all other kinds; sugar of all kinds; sirup of sugar; tobacco unmanufactured; twines and pack thread, of whatever material composed; umbrellas; vellum; vinegar; wafers; water colors; wood unmanufactured, not otherwise provided for; and fire-wood; wool, unmanufactured.

SCHEDULE D.—(Twenty-five per centum ad valorem.)

Borax or tinctal; Burgundy pitch; buttons and button moulds, of all kinds; baizes, bockings, flannels, and floor-cloths, of whatever material composed, not otherwise provided for; cables and cordage, tarred or untarred; calomel, and all other mercurial preparations; camphor, crude; cotton laces, cotton insertings, cotton trimming laces, cotton laces and braids; floss silks, feather beds, feathers for beds, and downs of all kinds; grass cloth; hair cloth, hair seating, and all other manufactures of hair not otherwise provided for; jute, sisal grass, coir, and other vegetable substances unmanufactured, not otherwise provided for; manufacture composed wholly of cotton, not otherwise provided for; manufactures of goat's hair or mohair, or of which goat's hair or mohair shall be a component material, not otherwise provided for; manufactures of silk, or of which silk shall be a component material, not otherwise provided for; manufactures of worsted, or of which worsted shall be a component material, not otherwise provided for; matting, China and other floor matting and mats made of flags, jute, or grass; roofing slates and slates other than roofing slates; woollen and worsted yarn.

Schedule D 25
per cent, ad va-
lorem.

SCHEDULE C.—(Twenty per centum ad valorem.)

Acids, acetic, acetous, benzoic, boracic, chromic, citric, inu-

Schedule C 20

per cent, and va-
locum.

riatic, white and yellow, nitric pyroligneous, and tartaric, and all other acids, of every description, used for chemical or medicinal purposes, or for manufacturing, or in the fine arts, not otherwise provided for; aloes; alum; amber; ambergris; angora, Thibet, and other goat's hair or mohair unmanufactured; anniseed; animal carbon; antimony, crude and regulus of; arrow-root; articles, not in a crude state, used in dyeing or tanning, not otherwise provided for; assafoetida; bacon; bananas; barley; beef; beeswax; berries, vegetables, flowers and barks, not otherwise provided for; bismuth; bitter apples; blankets of all kinds; blank books, bound or unbound; blue or Roman vitriol, or sulphate of copper; boards, planks, staves, laths, scantling, spars, hewn and sawed timber, and timber to be used in building wharves; boucho leaves; breccia; bronze liquor; bronze powder; butter; cadmium; calamine; cantharides; caps, gloves, leggings, mitts, socks, stockings, wove shirts and drawers, made on frames, composed wholly of cotton, worn by men, women, and children; cassia buds; castor oil; castorum; cedar wood, ebony, granadilla, mahogany, rosewood, and satin wood, unmanufactured; chocolate; chromate of lead; chromate, bichromate, hydriodate, and prussiate of potash; cobalt; cocoa nuts; coccus indicus; copperas or green vitriol, or sulphate of iron; copper rods, bolts, nails, and spikes; copper bottoms; copper in sheets or plates, called brazier's copper, and other sheets of copper not otherwise provided for; cream of tartar; cubeba; dried pulp; emery; ether; extract of indigo; extracts and decoctions of logwood and other dye woods, not otherwise provided for; extract of madder; felspar; fig blue; fish, foreign, whether fresh, smoked, salted dried, or pickled, not otherwise provided for; fish glue or isinglass; fish skins; flaxseed; flour of sulphur; Frankfort black; French chalk; fruit, green or ripe, not otherwise provided for; fulminates or fulminating powders; furs dressed on the skin; gamboge; glue; green turtle; gunny cloth; gunpowder; hair, curled, moss, sea weed, and all other vegetable substances used for beds or mattresses; hams; hats of wool; hat bodies, made of wool, or of which wool shall be a component material of chief value; hatter's plush, composed of silk and cotton, but of which cotton is the component material of chief value; hemp seed or linseed, and rapeseed oil, and all other oils used in painting; Indian corn and corn meal; ipecacuanha; iridium; iris or orris root; iron liquor; ivory or bone black; jalap; juniper berries; lac spirits; lac sulphur; lampblack; lard; leather, tanned, bend or sole; leather, upper of all kinds; lead, in pigs, bars, or sheets; leaden pipes; leaden shot; leeches; linens of all kinds; liquorice paste, juice, or root; litharge; malt; manganese; manna; manufactures of flax, not otherwise provided for; manufactures of hemp, not otherwise provided for; marble in the rough, slab, or block, unmanufactured; marine coral, unmanufactured; medicinal drugs, roots, and leaves, in a crude state, not otherwise provided for; metals, Dutch and

bronze, in leaf ; metals, unmanufactured, not otherwise provided for ; mineral and bituminous substances, in a crude state, not otherwise provided for ; musical instruments of all kinds, and strings for musical instruments of whip gut or catgut, and all other strings of the same material ; needles of all kinds for sewing, darning, or knitting ; nitrate of lead ; oats and oat-meal ; oils—neatsfoot and other animal oil, spermaceti, whale and other fish oil, the produce of foreign fisheries ; opium ; oranges, lemons, and limes ; orange and lemon peel ; osier or willow, prepared for basket maker's use ; patent mordan ; paints, dry or ground in oil, not otherwise provided for ; paper hangings, and paper for screens or fireboards ; paving stones ; paving and roofing tiles and bricks ; pearl or hulled barley ; periodicals and other works in the course of printing and republication in the United States ; pineapples ; pitch ; plantains ; plaster of Paris, when ground ; plumbago ; pork ; potassium ; prussian blue ; pumpkins ; putty ; quicksilver ; quills ; red chalk ; rhubarb ; rice, or paddy ; roll brimstone ; Roman cement ; rye and rye flour ; saddlery, common, tinned, or japanned ; saffron and saffron cake ; sago ; sal soda, and all carbonates of soda, by whatever names designated, not otherwise provided for ; salts—epsom, glauber, Rochelle, and all other salts and preparations of salts, not otherwise provided for ; sarsaparilla ; seppia ; shaddocks ; sheathing paper ; skins, tanned and dressed, of all kinds ; skins of all kinds, not otherwise provided for ; slate pencils ; smalts ; spermaceti candles and tapers ; spirits of turpentine ; sponges ; spunk : squills ; starch ; stearine candles and tapers ; steel, not otherwise provided for ; stereotype plates ; still bottoms ; sulphate of barytes, crude or refined ; sulphate of quinine ; tallow candles ; tapioca ; tar ; thread laces and insertings ; type metal ; types, new or old ; vanilla beans ; verdigris ; velvet, in the piece, composed wholly of cotton ; velvet, in the piece, composed of cotton and silk, but of which cotton is the component material of chief value ; vermilion ; wax candles and tapers ; whalebone the produce of foreign fisheries ; wheat and wheat flour ; white and red lead ; whiting, or Paris white ; white vitriol, or sulphate of zinc ; window glass, broad, crown, or cylinder ; woollen listings ; yams.

SCHEDULE F.—(*Fifteen per centum ad valorem.*)

Arsenic ; bark, Peruvian ; bark, Quilla ; Brazil paste ; Brimstone crude in bulk ; codilla, or tow of hemp or flax ; cork tree bark, unmanufactured ; diamonds, glazier's set or not set ; dragon's blood ; flax, unmanufactured ; gold and silver leaf ; mineral kermes ; silk, raw, not more advanced in manufacture than singles, tram and thrown, or organzine ; steel in bars, cast, shear, or German ; Terne tin plates ; tin foil ; tin in plates or sheets ; tin plates galvanized, not otherwise provided for ; zinc, spelter, or tutenague, in sheets.

Schedule F 15
per cent. ad va-
lorem.

SCHEDULE G.—(*Ten per centum ad valorem.*)

Ammonia ; annatto, rancon or Orleans ; barilla ; bleaching powders or chloride of lime ; books printed, magazines, pamphlets,

Schedule G 10
per cent. ad va-
lorem.

periodicals, and illustrated newspapers, bound or unbound, not otherwise provided for; building stones; burr stones, wrought or unwrought; cameos and mosaics, and imitations thereof, not set; chronometers, box, or ship's, and parts thereof; cochineal; cocoa; cocoa shells; compositions of glass or paste, not set; cudbear; diamonds, gems, pearls, rubies, and other precious stones, and imitations thereof, when not set; engravings or plates, bound or unbound; hempseed, linseed, and rapeseed; fuller's earth; furs, hatters', dressed or undressed, not on the skin; furs, undressed, when on the skin; goldbeaters' skins; gum arabic and gum senegal; gum tragacanth; gum barbary; gum East India; gum jedda; gum substitute, or burnt starch; hair of all kinds, uncleaned and unmanufactured; India rubber, in bottles, slabs, or sheets, unmanufactured; indigo; kelp; lemon and lime juice; lime; maps and charts; music and music paper, with lines, bound or unbound; natron; nux vomica; oils, palm and coconut; orpiment; palm leaf, unmanufactured; polishing stones; pumice and pumice stones; ratans and reeds, unmanufactured; rotten stone; sal ammonia; saltpetre, (or nitrate of soda, or potash, refined or partially refined; soda ash; sulphuric acid, or oil of vitriol; tallow, marrow, and all other grease and soap stocks and soap stuffs, not otherwise provided for; terra japonica or catechu; watches, and parts of watches; watch materials of all kinds, not otherwise provided for; wood or pastel.

SCHEDULE H.—(Five per centum ad valorem.)

Schedule H 5
per cent. ad valorem.

Alcornoque; argol, or crude tartar; bells when old, or bell metal, fit only to be remanufactured; berries, nuts, and vegetables used exclusively in dyeing, or in composing dyes, but no article shall be classed as such that has undergone any manufacture; brass in pigs or bars; brass, when old and fit only to be remanufactured; Brazil wood, and all other dye-wood in sticks; bristles; chalk, not otherwise provided for; clay unwrought; copper in pigs or bars; copper, when old, and fit only to be remanufactured; flints; grindstones, wrought or unwrought; horns, horn-tips, bones, bone-tips, and teeth unmanufactured; ivory, unmanufactured; ivory nuts, or vegetable ivory; kermes; lac dye; lastings suitable for shoes, boots, bootees, or buttons, exclusively; madder, ground; madder root; manufactures of mohair cloth, silk twist, or other manufacture of cloth suitable for the manufacture of shoes, boots, bootees, or buttons, exclusively; nickel; nut-galls; pearl, mother of; pewter, when old, and fit only to be remanufactured; rags, of whatever material; raw hides and skins of all kinds, whether dried, salted, or pickled, not otherwise provided for; safflower; saltpetre, or nitrate of soda, or potash, when crude; seedlac; shellac; sumac; tin, in pigs, bars, or blocks; tortoise, and other shells unmanufactured; turmeric; waste, or shoddy; weld; zinc, spelter, or teutnegue, unmanufactured, not otherwise provided for.

SCHEDULE I.—(Exempt from duty.)

Schedule I ex-
empt from duty.

Animals imported for breed; bullion; gold and silver; cabi-

nets of coins, medals, and other collections of antiquities ; coffee and tea, when imported direct from the place of their growth or production, in American vessels, or in foreign vessels entitled by reciprocal treaties to be exempt from discriminating duties, tonnage, and other charges ; coffee, the growth or production of the possessions of the Netherlands, imported from the Netherlands in the same manner ; coins, gold, silver, and copper ; copper ore ; copper when imported for the United States mint ; cotton ; felt, adhesive, for sheathing vessels ; garden seeds, and all other seeds, not otherwise provided for ; goods, wares, and merchandise, the growth, produce, or manufacture of the United States, exported to a foreign country, and brought back to the United States in the same condition as when exported, upon which no drawback or bounty has been allowed : *Provided*, That all regulations to ascertain the identity thereof prescribed by existing laws, or which may be prescribed by the Secretary of the Treasury, shall be complied with ; guano ; household effects, old and in use, of persons or families from foreign countries, if used abroad by them, and not intended for any other person or persons, or for sale ; junk, old ; models of inventions and other improvements in the arts : *Provided*, That no article or articles shall be deemed a model or improvement which can be fitted for use ; Oakum ; oil, spermaceti, whale, and other fish, of American fisheries, and all other articles the produce of such fisheries ; paintings and statuary, the production of American artists residing abroad, and all other paintings and statuary : *Provided*, The same be imported in good faith as objects of taste, and not of merchandise ; personal and household effects (not merchandise) of citizens of the United States dying abroad ; plaster of Paris, unground ; platina, unmanufactured ; sheathing copper, but no copper to be considered such, and admitted free, except in sheets of forty-eight inches long and fourteen inches wide, and weighing from fourteen to thirty-four ounces the square foot ; sheathing metal ; specimens of natural history, mineralogy, or botany ; trees, shrubs, bulbs, plants, and roots, not otherwise provided for ; wearing apparel in actual use, and other personal effects not merchandise, professional books, implements, instruments, and tools of trade, occupation, or employment, of persons arriving in the United States : *Provided*, That this exemption shall not be construed to include machinery or other articles imported for use in any manufacturing establishment, or for sale.

Approved, July 30th, 1846.

CHAP. 75. An act to exempt coffee imported from the Netherlands from duty in certain cases, and for other purposes.

§ 1. *Be it enacted, &c.*, That, from and after the passage of this act, coffee, the production or growth of the colonies or dependencies of the Netherlands, imported into the United States from the Netherlands, either in Dutch or American vessels, shall be admitted free of duty ; and so much of the act approved the thirtieth day of August, eighteen hundred and forty-two, entitled

Coffee imported from the Netherlands in Dutch or American vessels to be free of duty.

Repeal of so much of act of Aug. 30, 1842, as is inconsistent herewith.

Act of 1842, c. 265 ante p. 2513.

Duties collected on importations of coffee in American vessels from the Netherlands, between Aug. 30, 1842, and Sept. 11, 1845, to be refunded.

Discriminating tonnage duties collected on Spanish vessels in certain cases to be refunded.

Act of 1832, c. 206, vol. 4, p. 2314

No discriminating tonnage duties to be levied on Spanish vessels, except those coming from Cuba or Porto Rico.

Terms of circuit and district courts for Ohio to be held on 2d Monday of November annually. *Provido.*

Pre-emption rights on the Miami cessions, persons who shall be entitled to them.

"An act to provide revenue from imports, and to change and modify existing laws imposing duties on imports, and for other purposes," as is inconsistent herewith, be, and the same is hereby, repealed.

§ 2. *And be it further enacted,* That the Secretary of the Treasury be, and he hereby is, authorized and required to refund and pay, out of any money in the treasury not otherwise appropriated, to the several persons or parties entitled to the same, the amount of duties levied and collected upon the importations of coffee in American vessels from the Netherlands, the production or growth of the colonies or dependencies of the Netherlands, between the thirtieth day of August, eighteen hundred and forty-two, and the eleventh day of September, eighteen hundred and forty-five.

§ 3. *And be it further enacted,* That the Secretary of the Treasury be, and he hereby is, authorized and required to refund and pay, out of any money in the treasury not otherwise appropriated, to the persons or parties severally entitled to receive the same, the amount of discriminating tonnage duties heretofore levied and collected on Spanish vessels coming from foreign countries (except from Cuba and Porto Rico) under the act approved the thirteenth day of July, eighteen hundred and thirty-two, entitled "An act concerning tonnage duties on Spanish vessels;" and from and after the passage of this act, no discriminating tonnage duties shall be levied on Spanish vessels coming from foreign countries, except those coming from Cuba or Porto Rico.

Approved, August 3d, 1846.

CHAP. 76. An act in relation to the time of holding the circuit and district courts of the United States for the district of Ohio.

§ 1. *Be it enacted, &c.,* That the terms of the circuit and district courts of the United States for the district of Ohio, heretofore held on the third Monday of December, annually, shall hereafter be held on the second Monday of November, annually: *Provided,* That all actions, suits, appeals, recognizances, processes, writs, and proceedings whatever, pending in said courts, or returnable to the term, as it now exists, shall have day therein, and be tried, proceeded with, and disposed of at the term as fixed by this act.

Approved, August 3d, 1846.

CHAP. 77. An act to grant the right of pre-emption to actual settlers on the land acquired by treaty from the Miami Indians in Indiana.

§ 1. *Be it enacted, &c.,* That every actual settler, being the head of a family, or widow or single man over the age of twenty-one years, who is now in possession, by actual residence as a housekeeper, of any tract of public land within the limits of the several cessions by the Miami Indians in Indiana, which have not yet been proclaimed for sale by the President, or any such person who shall hereafter settle, erect a dwelling-house, and become a housekeeper upon any such tract of land, shall be entitled to the

same benefits and privileges, with respect to said land, as was granted to settlers on other land by the act approved twenty-second of June, eighteen hundred and thirty-eight, entitled "An act to grant pre-emption rights," and the several amendatory provisions of said act, effected by the subsequent acts bearing date first June, eighteen hundred and forty, and third March, eighteen hundred and forty-three: *Provided*, That the minimum price per acre of said land shall be two dollars per acre.

Act of 1838, c. 129, ante, c. 2679.

Act of 1840, c. 12, ante, p. 2793.

Act of 1843, c. 309, ante, p. 2390. *Proviso.*

Claimant to make oath as prescribed by act of June 22, 1838.

Act of 1838, c. 129, ante, p. 2679.

§ 2. *And be it further enacted*, That in every case the affidavit of the claimant under this act shall be like unto that prescribed by the act of twenty-second June, eighteen hundred and thirty-eight, and the same shall be filed, and proof and payment made for the land claimed, at any time before the day fixed by the President's proclamation for the public sale of the said land: *Provided*, That where a tract of land is now settled upon, a settlement made on such tract subsequent to the date of this law shall confer no right on the last mentioned settler; and where settlements shall hereafter be made, the right shall be in the first settler, who shall otherwise comply with the conditions of this law.

Proviso.

Approved, August 3d, 1846.

CHAP. 78. An Act providing for the adjustment of all suspended pre-emption land claims in the several States and Territories.

§ 1. *Be it enacted, &c.* That the Commissioner of the General Land Office be, and he is hereby, authorized and empowered to determine, upon principles of equity and justice, as recognized in courts of equity, and in accordance with general equitable rules and regulations, to be settled by the Secretary of the Treasury, the Attorney General, and Commissioner, conjointly, consistently with such principles, all cases of suspended entries now existing in said land office, and to judge in what cases patents shall issue upon the same: *Provided, however*, That such adjudications shall be made within two years from the passage of this act, and be first approved by the Secretary of the Treasury and the Attorney General, and shall only operate to divest the United States of the title of the land embraced by such entries, without prejudice to the rights of conflicting claimants.

Commissioner of Gen'l Land Office to determine all suspended entries, under regulations to be settled by Secretary of Treasury & Attorney General.

Proviso.

§ 2. *And be it further enacted*, That the power and jurisdiction given by this act, to the Commissioner of the General Land Office shall cease and determine, at the expiration of two years from the passage thereof; and such Commissioner be, and he is hereby, directed to report to Congress at the first session after the said adjudications shall have been made, a list of the same, and under such classes as he may deem necessary, and of the principles upon which such class was determined.

Power and jurisdiction cease at end of two years.

Commissioners to report list of adjudications to Congress.

§ 3. *And be it further enacted*, That the said Commissioner shall arrange his decisions into two classes: the first class to embrace all such cases of equity as may be finally confirmed by the board aforesaid, and the second class to embrace all such cases as the board reject and decide to be invalid.

Decisions to be arranged into classes.

Patents to issue for lands in the first class, and lands in second class to revert to the U. S.

§ 4. *And be it further enacted*, That for all lands covered by entries or sales which are placed in the first class, patent shall issue to the claimants; and all lands embraced by entries or sales placed in the second class shall *ipso facto* revert to, and become part of, the public domain.

Commissioner to order into market lands of second class.

§ 5. *And be it further enacted*, That it shall and may be lawful for the Commissioner of the General Land Office to order into market, after due notice, without the formality and expense of a proclamation of the President, all lands of the second class, though heretofore unproclaimed and unoffered, and such other isolated or disconnected tracts or parcels of unoffered lands, which, in his judgment, it would be proper to expose to sale in like manner: *Provided*, That public notice of at least thirty days shall be given by the land officers of the district in which such lands may be situated, pursuant to the directions of the Commissioner aforesaid. *Approved, August 3d, 1846.*

CHAP. 82. An act to define the boundaries of the State of Iowa, and to repeal so much of the act of the third of March, one thousand eight hundred and forty-five, as relates to the boundaries of Iowa.

Boundaries declared.

Act of 1845, c. 3067.

§ 1. *Be it enacted, &c.*, That the following shall be, and they are hereby declared to be, the boundaries of the State of Iowa, in lieu of those prescribed by the second section of the act of the third of March, eighteen hundred and forty-five, entitled "An act for the admission of the States of Iowa and Florida into the Union," viz: Beginning in the middle of the main channel of the Mississippi river, at a point due east of the middle of the mouth of the main channel of the Des Moines river; thence, up the middle of the main channel of the said Des Moines river, to a point on said river where the northern boundary line of the State of Missouri, as established by the constitution of that State, adopted June twelfth, eighteen hundred and twenty, crosses the said middle of the main channel of the said Des Moines river; thence, westwardly, along the said northern boundary line of the State of Missouri, as established at the time aforesaid, until an extension of said line intersect the middle of the main channel of the Missouri river; thence, up the middle of the main channel of the Missouri river, to a point opposite the middle of the main channel of the Big Sioux river, according to Nicollet's map; thence, up the main channel of the said Big Sioux river, according to said map, until it is intersected by the parallel of forty-three degrees and thirty minutes north latitude; thence east, along said parallel of forty-three degrees and thirty minutes, until said parallel intersect the middle of the main channel of the Mississippi river; thence, down the middle of the main channel of said Mississippi river, to the place of beginning.

Question in controversy between Missouri and Iowa referred to the Supreme Court.

§ 2. *And be it further enacted*, That the question which has heretofore been the subject-matter of controversy and dispute between the State of Missouri and the Territory of Iowa, respect-

ing the precise location of the northern boundary line of the State of Missouri, shall be, and the same is hereby, referred to the Supreme Court of the United States for adjudication and settlement, in accordance with the act of the Legislature of Missouri, approved March twenty-five, eighteen hundred and forty-five, and the memorial of the Council and House of Representatives of the Territory of Iowa, approved January seventeen, eighteen hundred and forty-six, by which both parties have agreed to "the commencement and speedy determination of such suit as may be necessary to procure a final decision by the Supreme Court of the United States upon the true location of the northern boundary of that State;" and the said Supreme Court is hereby invested with all the power and authority necessary to the performance of the duty imposed by this section.

Supreme Court invested with power and authority necessary.

§ 3. *And be it further enacted*, That, until the next census and apportionment shall be made, the State of Iowa shall be entitled to two Representatives in the House of Representatives of the United States.

To be entitled to 2 representatives.

§ 4. *And be it further enacted*, That so much of the act of the third of March, eighteen hundred and forty-five, entitled "An act for the admission of the States of Iowa and Florida into the Union," relating to the said State of Iowa, as is inconsistent with the provisions of this act, be and the same is hereby repealed. *Approved, August 4th, 1846.*

Repeal of so much of the act of March, 3, 1845, as is inconsistent herewith.

Act of 1845, c. 45, ante p. 3057.

CHAP. 84. An act to establish a warehousing system, and to amend an act entitled "An act to provide revenue from imports, and to change and modify existing laws imposing duties on imports, and for other purposes."

§ 1. *Be it enacted, &c.*, That the twelfth section of the act entitled "An act to provide revenue from imports, and to change and modify existing laws imposing duties on imports, and for other purposes," approved the thirtieth day of August, one thousand eight hundred and forty-two, is hereby amended so as hereafter to read as follows:—[SEC. 12.] *And be it further enacted*, That, on and after the day this act goes into operation, the duties on all imported goods, wares, or merchandise shall be paid in cash: *Provided*, That in all cases of failure or neglect to pay the duties within the period allowed by law to the importer to make entry thereof, or whenever the owner, importer or consignee shall make entry for warehousing the same, in writing, in such form and supported by such proof as shall be prescribed by the Secretary of the Treasury, the said goods, wares, or merchandise shall be taken possession of by the collector, and deposited in the public stores, or in other stores, to be agreed on by the collector or chief revenue officer of the port and the importer, owner, or consignee, the said stores to be secured in the manner provided for by the first section of the act of the twentieth day of April, one thousand eight hundred and eighteen, entitled "An act providing for the deposit of wines and distill-

Section 12 of act of Aug. 30, 1842, amended. Act of 1842, c. 235, ante p. 3019.

Duties to be paid in cash.

Proviso.

Act of 1818, c. 174, vol. 4, p. 1714.

ed spirits in public warehouses, and for other purposes," there to be kept with due and reasonable care, at the charge and risk of the owner, importer, consignee, or agent, and subject at all times to their order, upon payment of the proper duties and expenses, to be ascertained on due entry thereof for warehousing, and to be secured by a bond of the owner, importer, or consignee, with surety or sureties, to the satisfaction of the collector, in double the amount of the said duties, and in such form as the Secretary of the Treasury shall prescribe : *Provided*, That no merchandise shall be withdrawn from any warehouse in which it may be deposited, in a less quantity than in an entire package, bale, cask, or box, unless in bulk ; nor shall merchandise so imported in bulk be delivered, except in the whole quantity of each parcel, or in a quantity not less than one ton weight, unless by special authority of the Secretary of the Treasury. And in case the owner, importer, consignee, or agent of any goods on which the duties have not been paid, shall give to the collector satisfactory security that the said goods shall be landed out of the jurisdiction of the United States, in the manner now required by existing laws relating to exportations for the benefit of drawback, the collector and naval officer, if any, on an entry to re-export the same, shall, upon payment of the appropriate expenses, permit the said goods, under the inspection of the proper officers, to be shipped without the payment of any duties thereon. And in case any goods, wares, or merchandise, deposited as aforesaid, shall remain in public store beyond one year, without payment of the duties and charges thereon, then said goods, wares, or merchandise shall be appraised by the appraisers of the United States, if there be any at such port, and if none, then by two merchants to be designated and sworn by the collector for that purpose, and sold by the collector at public auction, on due public notice thereof being first given, in the manner and for the time to be prescribed by a general regulation of the Treasury Department ; and at said public sale, distinct printed catalogues descriptive of said goods, with the appraised value affixed thereto, shall be distributed among the persons present at said sale ; and a reasonable opportunity shall be given before such sale, to persons desirous of purchasing, to inspect the quality of such goods ; and the proceeds of said sales, after deducting the usual rate of storage at the port in question, with all other charges and expenses, including duties, shall be paid over to the owner, importer, consignee, or agent, and proper receipts taken for the same : *Provided*, That the overplus, if any there be, of the proceeds of such sales, after the payment of storage, charges, expenses, and duties as aforesaid, remaining unclaimed for the space of ten days after such sales, shall be paid by the collector into the Treasury of the United States ; and the said collector shall transmit to the Treasury Department, with the said overplus, a copy of the inventory, appraisement, and account of sales, specifying the marks, numbers, and descriptions of the packages

Proviso,

Collector to permit goods to be shipped for re-exportation in certain cases.

Goods remaining in store beyond one year to be appraised and sold.

Treasury Department to prescribe regulations, &c. for such sales.

Proceeds, after deducting charges, to be paid over to the owner, &c.

Proviso,

sold, their contents, and appraised value, the name of the vessel and master in which, and of the port or place whence they were imported, and the time when, and the name of the person or persons to whom said goods were consigned in the manifest, and the duties and charges to which the several consignments were respectively subject; and the receipt or certificate of the collector shall exonerate the master or person having charge or command of any ship or vessel, in which said goods, wares, or merchandise were imported, from all claim of the owner or owners thereof, who shall, nevertheless, on due proof of their interest, be entitled to receive from the Treasury the amount of any overplus paid into the same under the provisions of this act: *Provided*, That so much of the fifty-sixth section of the general collection law of the second of March, seventeen hundred and ninety-nine, and the thirteenth section of the act of the thirtieth of August, eighteen hundred and forty-two, to provide revenue from imports, and to change and modify existing laws imposing duties on imports, and for other purposes, as conflicts with the provisions of this act, shall be, and is hereby, repealed, excepting that nothing contained in this act shall be construed to extend the time now prescribed by law for selling unclaimed goods: *Provided, also*, That all goods of a perishable nature, and all gunpowder, fire-crackers, and explosive substances, deposited as aforesaid, shall be sold forthwith.

Repeal of sections of acts conflicting herewith.
Act of 1799, c. 128, vol. 1, p. 573.
Act of 1842, c. 235, ante p. 2919.

Proviso.

§ 2. *And be it further enacted*, That any goods, when deposited in the public stores in the manner provided for in the foregoing section, may be withdrawn therefrom and transported to any other port of entry under the restrictions provided for in the act of the second of March, seventeen hundred and ninety-nine, in respect to the transportation of goods, wares, and merchandise from one collection district to another, to be exported with the benefit of drawback; and the owner of such goods so to be withdrawn for transportation shall give his bond, with sufficient sureties, in double the amount of the duties chargeable on them, for the deposit of such goods in store in the port of entry to which they shall be destined, such bond to be cancelled when the goods shall be redeposited in store in the collection district to which they shall be transported: *Provided*, That nothing contained in this section shall be construed to extend the time during which goods may be kept in store, after their original importation and entry, beyond the term of one year.

Goods may be withdrawn and transported to another port of entry under certain restrictions.
Act of 1799, c. 128, vol. 1, p. 573.

Owner shall give bond.

Proviso.

§ 3. *And be it further enacted*, That if any warehoused goods shall be fraudulently concealed in or removed from any public or private warehouse the same shall be forfeited to the United States; and all persons convicted of fraudulently concealing or removing such goods, or of aiding or abetting such concealment or removal, shall be liable to the same penalties which are now imposed for the fraudulent introduction of goods into the United States; and if any importer or proprietor of any warehoused goods, or any person in his employ, shall by any contrivance fraudulently open the warehouse, or shall gain access to the goods except

Goods fraudulently concealed or removed to be forfeited.

Penalty.

Penalty for fraudulently opening warehouse, &c. except in presence of an

officer of the customs.

Penalty for altering, obliterating, or defacing marks.

Collectors to make quarterly reports.

Secretary of the Treasury to make the regulations necessary to give full effect to this act.

in the presence of the proper officer of the customs, acting in the execution of his duty, such importer or proprietor shall forfeit and pay for every such offence one thousand dollars. And any person convicted of altering, defacing, or obliterating any mark or marks which have been placed by any officer of the revenue on any package or packages of warehoused goods shall forfeit and pay for every such offence five hundred dollars.

§ 4. *And be it further enacted*, That the collectors of the several ports of the United States shall make quarterly reports to the Secretary of the Treasury, according to such general instructions as the said Secretary may give, of all goods which remain in the warehouses of their respective ports, specifying the quantity and description of the same; which returns, or tables formed thereon, the Secretary of the Treasury shall forthwith cause to be published in the principal papers of the city of Washington.

§ 5. *And be it further enacted*, That the Secretary of the Treasury be and he is hereby authorized to make, from time to time, such regulations, not inconsistent with the laws of the United States, as may be necessary to give full effect to the provisions of this act, and secure a just accountability under the same. And it shall be the duty of the Secretary to report such regulations to each succeeding session of Congress.

Approved, August 6th, 1846.

CHAP. 85. An act to repeal an act entitled "An act for the relief of the Stockbridge tribe of Indians in the Territory of Wisconsin," approved March third, eighteen hundred and forty-three, and for other purposes.

Repeal of act of Mar. 3, 1843.

Act of 1843, c. 414, ante p. 2993.

Restored to ancient form of government.

Sub-agent at Green Bay to enrol the names of Indians who desire to become citizens of U. S.

Sub-agent to divide the land held by Stockbridges into two districts.

§ 1. *Be it enacted, &c.*, That the act entitled "An act for the relief of the Stockbridge tribe of Indians in the Territory of Wisconsin," approved March third, eighteen hundred and forty-three, be and the same is hereby repealed; and the said Stockbridge tribe or nation of Indians is restored to their ancient form of government, with all powers, rights, and privileges, held and exercised by them under their customs and usages, as fully and completely as though the above recited act had never passed.

§ 2. *And be it further enacted*, That the sub-agent of Indian affairs at Green Bay, under the direction of the Governor of Wisconsin, who shall be a commissioner for this purpose, shall be required to open a book for the enrolment of the names of such persons of the Stockbridge tribe of Indians as shall desire to become and remain citizens of the United States, immediately upon the passage of this law; and three months shall be allowed after the opening of said books for the enrolment, within which time it shall be the duty of all desiring citizenship to come forward in person and file their application. After the expiration of the three months, the said sub-agent shall divide the said township of land now held by the Stockbridges on the Winnebago lake into two districts, to be known and designated as the Indian district and the citizen district, according to the strength and numbers of their respective parties, and the laws

and usages in said tribe. The lands in the Indian district are to remain and to be held in common ; those in the citizen district are to be divided ; and to each Indian who becomes a citizen the said sub-agent shall assign, by distinct metes and bounds, his ratable proportion of land. And, after the division and allotment are completed, it shall be the duty of the said sub-agent to make out three copies of the divisions thus made, one of which he shall file with the clerk of the district court of the county in which the citizen district of land may be situated ; one other copy he shall file in the land office at Green Bay, in Wisconsin Territory ; and the other shall be returned to the Secretary of War. And, upon the receipt of the said return by the Secretary of War, patents may be issued to the individual reservees who become citizens, upon the receipt of which a title in fee simple to the lot of land shall vest in the patentee ; and all transfers and assignments of the land made previous to the issuance of the patent shall be null and void : *Provided however*, That those Indians who become citizens shall forfeit all right to receive any portion of the annuity which may now be or may become due the nation of Stockbridges, by virtue of any treaty heretofore entered into by this Government with said Stockbridges.

How the lands are to be held.

Sub-agent to make out three copies of the divisions made.

Patents to issue to those reservees who become citizens.

Proviso.

§ 3. *And be it further enacted*, That, in consideration of the moneys paid by said Stockbridge nation of Indians to the Winnebagoes and Menomonies in the years eighteen hundred and twenty-one and eighteen hundred and twenty-two, and all other claims, the sum of five thousand dollars be paid to said tribe of Indians by the Secretary of War ; and for this purpose the said sum of five thousand dollars be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated : *Provided*, That nothing in this act contained shall be construed to impair any claim which said nation may have upon the Delaware nation to a share of the lands assigned to them west of the Missouri river.

\$5,000 to be paid them for that sum paid by them to the Winnebagoes and Menomonies.

Appropriation.

Proviso.

Approved, August 6th, 1846.

CHAP. 89. An act to enable the people of Wisconsin Territory to form a constitution and State Government, and for the admission of such State into the Union.

§ 1. *Be it enacted, &c.*, That, the people of the Territory of Wisconsin be and they are hereby authorized to form a Constitution and State Government, for the purpose of being admitted into the Union on an equal footing with the original States in all respects whatsoever, by the name of the State of Wisconsin, with the following boundaries, to wit : Beginning at the northeast corner of the State of Illinois—that is to say, at a point in the centre of Lake Michigan where the line of forty-two degrees and thirty minutes of north latitude crosses the same : thence, running with the boundary line of the State of Michigan, through Lake Michigan, Green Bay, to the mouth of the Menomonic river ; thence up the channel of said river to the Brulé river ; thence up said last mentioned river to Lake Brulé ; thence

The people of Wisconsin authorized to form a constitution & State Government.

Boundaries.

along the southern shore of Lake Brulé in a direct line to the centre of the channel between Middle and South islands, in the Lake of the Desert; thence in a direct line to the head-waters of the Montreal river, as marked upon the survey made by Captain Cramm; thence down the main channel of the Montreal river to the middle of Lake Superior; thence through the centre of Lake Superior to the mouth of the St. Louis river; thence up the main channel of said river to the first rapids in the same, above the Indian village, according to Nicollet's map; thence due south to the main branch of the river St. Croix; thence down the main channel of said river to the Mississippi; thence down the centre of the main channel of that river to the north-west corner of the State of Illinois; thence due east with the northern boundary of the State of Illinois to the place of beginning, as established by "An act to enable the people of the Illinois Territory to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States," approved April eighteen, eighteen hundred and eighteen.

Act of 1818, c. 62, Vol. 4, p. 1674.

Jurisdiction of islands in Brulé and Menomonie rivers.

Proviso.

To have concurrent jurisdiction on the Mississippi and other rivers.

Navigable waters to be common highways.

Laws of U. S. extended to said State.

Shall constitute one judicial district. A district court to be held.

§ 2. *And be it further enacted*, That, to prevent all disputes in reference to the jurisdiction of islands in the said Brulé and Menomonie rivers, the line be so run as to include within the jurisdiction of Michigan all the islands in the Brulé and Menomonie rivers, (to the extent in which said rivers are adopted as a boundary,) down to, and inclusive of, the Quinnesec falls of the Menomonie; and from thence the line shall be so run as to include within the jurisdiction of Wisconsin all the islands in the Menomonie river, from the falls aforesaid down to the junction of said river with Green Bay; *Provided*, That the adjustment of boundary, as fixed in this act, between Wisconsin and Michigan shall not be binding on Congress unless the same shall be ratified by the State of Michigan on or before the first day of June, one thousand eight hundred and forty-eight.

§ 3. *And be it further enacted*, That the said State of Wisconsin shall have concurrent jurisdiction on the Mississippi, and all other rivers and waters bordering on the said State of Wisconsin, so far as the same shall form a common boundary to said State and any other State or States now or hereafter to be formed or bounded by the same; and said river and waters, and the navigable waters leading into the same, shall be common highways, and forever free, as well to the inhabitants of said State as to all other citizens of the United States, without any tax, duty, impost, or toll therefor.

§ 4. *And be it further enacted*, That from and after the admission of the State of Wisconsin into the Union, in pursuance of this act, the laws of the United States, which are not locally inapplicable, shall have the same force and effect within the State of Wisconsin as elsewhere within the United States; and said State shall constitute one district, and be called the district of Wisconsin; and a district court shall be held therein, to consist of one judge, who shall reside in the said district and be

called a district judge. He shall hold at the seat of government of said State two sessions of said court annually, on the first Mondays in January and July, and he shall in all things have and exercise the same jurisdiction and powers which were by law given to the judge of the Kentucky district, under an act entitled "An act to establish the judicial courts of the United States." He shall appoint a clerk for said district, who shall reside and keep the records of said court at the place of holding the same; and shall receive for the services performed by him the same fees to which the clerk of the Kentucky district is by law entitled for similar services. There shall be allowed to the judge of said district court the annual compensation of fifteen hundred dollars, to commence from the date of his appointment, to be paid quarterly at the Treasury of the United States.

Sessions of the court & powers and jurisdiction of the judge.

Shall appoint a clerk, &c.

Fees.

Compensation of judge.

§ 5. *And be it further enacted*, That there shall be appointed in said district a person learned in the law to act as attorney of the United States, who, in addition to the stated fees, shall be paid the sum of two hundred dollars annually by the United States, as a full compensation for all extra services; the said payment to be quarterly at the Treasury of the United States. And there shall also be appointed a marshal for said district, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees, as are prescribed and allowed to marshals in other districts; and shall, moreover, be allowed the sum of two hundred dollars annually as a compensation for all extra services.

District Attorney to be appointed.

Compensation and fees.

Marshal to be appointed.

Duties, fees, & compensation.

§ 6. *And be it further enacted*, That, until another census shall be taken and apportionment made, the State of Wisconsin shall be entitled to two Representatives in the Congress of the United States.

To be entitled to two Representatives in Congress.

§ 7. *And be it further enacted*, That the following propositions are hereby submitted to the convention which shall assemble for the purpose of forming a constitution for the State of Wisconsin, for acceptance or rejection; and if accepted by said convention, and ratified by an article in said constitution, they shall be obligatory on the United States:

Propositions submitted to the convention, &c.

First. That section numbered sixteen, in every township of the public lands in said State, and, where such section has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to said State for the use of schools.

Second. That the seventy-two sections or two entire townships of land set apart and reserved for the use and support of a university by an act of Congress approved on the twelfth day of June, eighteen hundred and thirty-eight, entitled "An act concerning a seminary of learning in the Territory of Wisconsin," are hereby granted and conveyed to the State, to be appropriated solely to the use and support of such university, in such manner as the Legislature may prescribe.

Third. That ten entire sections of land, to be selected and located under the direction of the Legislature, in legal divisions of

not less than one quarter section, from any of the unappropriated lands belonging to the United States within the said State, are hereby granted to the said State, for the purpose of completing the public buildings of the said State, or for the erection of others at the seat of government, under the direction of the Legislature thereof.

Fourth. That all salt springs within said State, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each, shall be granted to the State for its use; the same to be selected by the Legislature thereof within one year after the admission of said State; and, when so selected, to be used or disposed of on such terms, conditions, and regulations as the Legislature shall direct: *Provided*, That no salt spring or land, the right whereof is now vested in any individual or individuals, or which may hereafter be confirmed or adjudged to any individual or individuals, shall, by this section, be granted to said State.

Fifth. That five per cent. of the nett proceeds of sales of all public lands lying within the said State, which have been or shall be sold by Congress, from and after the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State for the purpose of making public roads and canals in the same, as the Legislature shall direct: *Provided*, That the foregoing propositions herein offered are on the condition that the said convention which shall form the constitution of said State shall provide by a clause in said constitution, or an ordinance, irrevocable without the consent of the United States, that said State shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to bona fide purchasers thereof; and that no tax shall be imposed on lands the property of the United States; and that in no case shall non-resident proprietors be taxed higher than residents.

Approved, August 6th, 1846.

CHAP. 90. An act to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue.

Preamble.

Act of 1789, c.
12, vol 1, p. 46.

Whereas, by the fourth section of the act entitled "An act to establish the Treasury Department," approved September two, seventeen hundred and eighty-nine, it was provided that it should be the duty of the Treasurer to receive and keep the moneys of the United States, and to disburse the same upon warrants drawn by the Secretary of the Treasury, countersigned by the Comptroller, and recorded by the Register, and not otherwise: and whereas it is found necessary to make further provisions to enable the Treasurer the better to carry into effect the intent of the said section in relation to the receiving and disbursing the moneys of the United States: therefore—

§ 1. *Be it enacted, &c.,* That the rooms prepared and provided in the new Treasury building at the seat of Government for the use of the Treasurer of the United States, his assistants, and clerks, and occupied by them, and also the fire-proof vaults and safes erected in said rooms for the keeping of the public moneys in the possession and under the immediate control of said Treasurer, and such other apartments as are provided for in this act as places of deposit of the public money, are hereby constituted and declared to be, the Treasury of the United States. And all moneys paid into the same shall be subject to the draft of the Treasurer, drawn agreeably to appropriations made by law.

The Treasury of the U. S. designated.

Moneys paid into same subject to the draft of the Treasurer.

§ 2. *And be it further enacted,* That the mint of the United States, in the city of Philadelphia, in the State of Pennsylvania, and the branch mint in the city of New Orleans, in the State of Louisiana, and the vaults and safes thereof, respectively, shall be places of deposit and safe keeping of the public moneys at those points, respectively; and the treasurer of the said mint and branch mint, respectively, for the time being shall be assistant treasurers under the provisions of this act, and shall have the custody and care of all public moneys deposited within the same, and shall perform all the duties required to be performed by them, in reference to the receipt, safe-keeping, transfer, and disbursements of all such moneys, according to the provisions hereinafter contained.

U. S. Mint at Philadelphia and Branch Mint at New Orleans made places of deposit.

Treasurers of the mint and branch mint to be assistant treasurers, their powers and duties.

§ 3. *And be it further enacted,* That the rooms which were directed to be prepared and provided within the custom-houses in the city of New York, in the State of New York, and in the city of Boston, in the State of Massachusetts, for the use of receivers general of public moneys, under the provisions of the act entitled "An act to provide for the collection, safe-keeping, transfer, and disbursement of the public revenue," approved July fourth, eighteen hundred and forty, shall be for the use of the assistant treasurers hereinafter directed to be appointed at those places respectively; as shall be also the fire-proof vaults and safes prepared and provided within said rooms for the keeping of the public moneys collected and deposited with them respectively; and the assistant treasurers, from time to time appointed at those points, shall have the custody and care of the said rooms, vaults, and safes, respectively, and of all the public moneys deposited within the same, and shall perform all the duties required to be performed by them, in reference to the receipt, safe-keeping, transfer, and disbursement of all such moneys, according to the provisions of this act.

Places of deposit and assistant Treasurers for New York and Boston, their powers and duties.

Act of 1840, c. 18, ante p. 3769.

§ 4. *And be it further enacted,* That the offices, with suitable and convenient rooms, which were directed to be erected, prepared, and provided for the use of receivers general of public money, at the expense of the United States, at the city of Charleston, in the State of South Carolina, and at the city of St. Louis, in the State of Missouri, under the act entitled "An act

Places of deposit and assistant Treasurers at Charleston and St. Louis, their powers and duties.

Act of 1840, c. 18, ante p. 2798.

to provide for the collection, safe keeping, transfer, and disbursement of the public revenue," approved July fourth, eighteen hundred and forty, shall be for the use of the assistant treasurers hereinafter directed to be appointed at the places above-named; as shall be also the fire-proof vaults and safes erected within said offices and rooms for the keeping of the public money collected and deposited at those points respectively; and the said assistant treasurers, from time to time appointed at those places, shall have the custody and care of the said offices, vaults, and safes, erected, prepared, and provided as aforesaid, and of all the public moneys deposited within the same, and shall perform all the duties required to be performed by them, in reference to the receipt, safe-keeping, transfer and disbursement of all such moneys, according to the provisions hereinafter contained.

Four assistant treasurers to be appointed, who shall hold their offices for four years.

Location of assistant treasurers. Shall give bonds.

The treasurer, assistant treasurers, and other officers having the custody of public moneys required to keep the same safely, &c. and faithfully and promptly to make such payments and transfers as are required to be made, &c.

§ 5. *And be it further enacted*, That the President shall nominate, and by and with the advice and consent of the Senate appoint, four officers, to be denominated "assistant treasurers of the United States," which said officers shall hold their respective offices for the term of four years, unless sooner removed therefrom; one of which shall be located at the city of New York, in the State of New York; one other of which shall be located at the city of Boston, in the State of Massachusetts; one other of which shall be located at the city of Charleston, in the State of South Carolina; and one other at St. Louis, in the State of Missouri. And all of which said officers shall give bonds to the United States, with sureties, according to the provisions hereinafter contained, for the faithful discharge of the duties of their respective offices.

§ 6. *And be it further enacted*, That the Treasurer of the United States, the treasurer of the mint of the United States, the treasurers, and those acting as such, of the various branch mints, all collectors of the customs, all surveyors of the customs acting also as collectors, all assistant treasurers, all receivers of public moneys at the several land offices, all post-masters, and all public officers of whatsoever character, be, and they are hereby required to keep safely, without loaning, using, depositing in banks, or exchanging for other funds than as allowed by this act, all the public money collected by them, or otherwise at any time placed in their possession and custody, till the same is ordered, by the proper Department or officer of the Government, to be transferred or paid out; and, when such orders for transfer or payment are received, faithfully and promptly to make the same as directed, and to do and perform all other duties as fiscal agents of the Government which may be imposed by this or any other acts of Congress, or by any regulation of the Treasury Department made in conformity to law; and also to do and perform all acts and duties required by law, or by direction of any of the Executive Departments of the Government, as agents for paying pensions, or for making any other disbursements which either of the heads of those Departments may be required by law to make, and which are of

a character to be made by the depositaries hereby constituted, consistently with the other official duties imposed upon them.

§ 7. *And be it further enacted*, That the Treasurer of the United States, the treasurer of the mint of the United States, the treasurer of the branch mint at New Orleans, and all the assistant treasurers hereinbefore directed to be appointed, shall respectively give bonds to the United States faithfully to discharge the duties of their respective offices according to law, and for such amounts as shall be directed by the Secretary of the Treasury, with sureties to the satisfaction of the Solicitor of the Treasury; and shall, from time to time renew, strengthen, and increase their official bonds as the Secretary of the Treasury may direct, any law in reference to any of the official bonds of any of the said officers to the contrary notwithstanding.

Treasurer of U. S., treasurers of the mint and branch mint, and assistant treasurers to give bond.

§ 8. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, at as early a day as possible after the passage of this act, to require from the several depositaries hereby constituted, and whose official bonds are not hereinbefore provided for, to execute bonds, new and suitable in their terms, to meet the new and increased duties imposed upon them respectively by this act, and with sureties and in sums such as shall seem reasonable and safe to the Solicitor of the Treasury; and from time to time to require such bonds to be renewed and increased in amount, and strengthened by new sureties, to meet any increasing responsibility which may grow out of accumulations of money in the hands of the depositary, or out of any other duty or responsibility arising under this or any other law of Congress.

Secretary of Treasury to require the several other depositaries to give bonds, &c.

Such bonds may be renewed, strengthened, & increased.

§ 9. *And be it further enacted*, That all collectors and receivers of public money, of every character and description, within the District of Columbia, shall, as frequently as they may be directed by the Secretary of the Treasury, or the Post-master General so to do, pay over to the Treasurer of the United States, at the Treasury, all public moneys collected by them, or in their hands; that all such collectors and receivers of public moneys within the cities of Philadelphia and New Orleans shall upon the same direction, pay over to the treasurers of the mints in their respective cities, at the said mints, all public moneys collected by them, or in their hands; and that all such collectors and receivers of public moneys within the cities of New York, Boston, Charleston, and St. Louis, shall, upon the same direction, pay over to the assistant-treasurers in their respective cities, at their offices, respectively, all the public moneys collected by them, or in their hands, to be safely kept by the said respective depositaries until otherwise disposed of according to law; and it shall be the duty of the said Secretary and Post-master General respectively to direct such payments by the said collectors and receivers at all the said places, at least as often as once in each week, and as much more frequently, in all cases, as they in their discretion may think proper.

Collectors and receivers of the public money to pay over the same, and to whom.

Secretary of the Treasury and Postmaster General to direct such payments.

§ 10. *And be it further enacted*, That it shall be lawful for the Secretary of the Treasury to transfer the moneys in the hands

Secretary of Treasury may make transfer of

the public mon-
eys.

The Postmaster
General author-
ized to make
transfers of mo-
neys belonging to
the Post Office
Dep't.

Depositories to
keep separate and
distinct accounts
of the moneys of
the Post Office
Department

The Treasurer
may draw on any
depository.

Depositories to
make returns to
the Treasury and
Post Office De-
partment.

Examinations
to be made of
the books, &c. of
the depositories.

Additional ex-
aminations to be
made—how.

of any depository hereby constituted to the Treasury of the United States, to be there safely kept, to the credit of the Treasurer of the United States, according to the provisions of this act; and also to transfer moneys in the hands of any one depository constituted by this act to any other depository constituted by the same, at his discretion, and as the safety of the public moneys, and the convenience of the public service shall seem to him to require; which authority to transfer the moneys belonging to the Post Office Department is also hereby conferred upon the Postmaster General, so far as its exercise by him may be consistent with the provisions of existing laws; and every depository constituted by this act shall keep his account of the money paid to or deposited with him, belonging to the Post Office Department, separate and distinct from the account kept by him of other public moneys so paid or deposited. And for the purpose of payments on the public account, it shall be lawful for the Treasurer of the United States to draw upon any of the said depositories, as he may think most conducive to the public interest, or to the convenience of the public creditors, or both. And each depository so drawn upon shall make returns to the Treasury and Post Office Departments of all moneys received and paid by him, at such times and in such form as shall be directed by the Secretary of the Treasury or the Postmaster General.

§ 11. *And be it further enacted*, That the Secretary of the Treasury shall be and he is hereby authorized to cause examinations to be made of the books, accounts, and money on hand of the several depositories constituted by this act; and for that purpose to appoint special agents, as occasion may require, with such compensation, not exceeding six dollars per day and traveling expenses, as he may think reasonable, to be fixed and declared at the time of each appointment. The agents selected to make these examinations shall be instructed to examine as well the books, accounts, and returns of the officer, as the money on hand, and the manner of its being kept, to the end that uniformity and accuracy in the accounts, as well as safety to the moneys, may be secured thereby.

§ 12. *And be it further enacted*, That, in addition to the examinations provided for in the last preceding section, and as a further guard over the public moneys, it shall be the duty of each naval officer and surveyor, as a check upon the assistant treasurers, or the collector of the customs, of their respective districts; of each register of a land office, as a check upon the receiver of his land office; and of the director and superintendent of each mint and branch mint, when separate officers, as a check upon the treasurers, respectively, of the said mints, or the persons acting as such, at the close of each quarter of the year, and as much more frequently as they shall be directed by the Secretary of the Treasury to do so, to examine the books, accounts, returns, and money on hand, of the assistant treasurers, collectors, receivers of land offices, treasurers of the mint, and each branch mint, and persons acting as such, and to make a full,

accurate, and faithful return to the Treasury Department of their condition.

§ 13. *And be it further enacted*, That the said officers, respectively, whose duty it is made by this act to receive, keep, and disburse the public moneys, as the fiscal agents of the Government, may be allowed any necessary additional expenses for clerks, fire-proof chests, or vaults, or other necessary expenses of safe-keeping, transferring, and disbursing said moneys; all such expenses of every character to be first expressly authorized by the Secretary of the Treasury, whose directions upon all the above subjects, by way of regulation and otherwise, so far as authorized by law, are to be strictly followed by all the said officers: *Provided*, That the whole number of clerks to be appointed by virtue of this section of this act shall not exceed ten; and that the aggregate compensations of the whole number shall not exceed eight thousand dollars; nor shall the compensation of any one clerk so appointed exceed eight hundred dollars per annum.

Necessary expenses for clerks, chests, &c. allowed.

All such expenses to be first authorized by the Secretary of the Treasury.

Proviso.

§ 14. *And be it further enacted*, That the Secretary of the Treasury may, at his discretion, transfer the balances remaining with any of the present depositories to any other of the present depositories, as he may deem the safety of the public money or the public convenience may require: *Provided*, That nothing in this act shall be so construed as to authorize the Secretary of the Treasury to transfer the balances remaining with any of the present depositories to the depositories constituted by this act before the first day of January next: *And provided*, That, for the purpose of payments on public account, out of balances remaining with the present depositories, it shall be lawful for the Treasurer of the United States to draw upon any of the said depositories as he may think most conducive to the public interests, or to the convenience of the public creditors, or both.

Secretary of Treasury may transfer balances remaining with present depositories.

Proviso.

§ 15. *And be it further enacted*, That all marshals, district attorneys, and others having public money to pay to the United States, and all patentees wishing to make payment for patents to be issued, may pay all such moneys to the Treasurer of the United States, to the treasurer of either of the mints in Philadelphia or New Orleans, to either of the other assistant treasurers, or to such other depository constituted by this act as shall be designated by the Secretary of the Treasury in other parts of the United States to receive such payments, and give receipts or certificates of deposit therefor.

Payments of public money to the U. S. and payments for patents—to whom to be made.

§ 16. *And be it further enacted*, That all officers and other persons, charged by this act, or any other act, with the safe-keeping, transfer, and disbursement of the public moneys, other than those connected with the Post Office Department, are hereby required to keep an accurate entry of each sum received, and of each payment or transfer; and that if any one of the said officers, or of those connected with the Post Office Department, shall convert to his own use, in any way whatever, or shall use, by way of investment in any kind of property or merchandise,

Entries required to be made of the public moneys other than those of the Post Office Department.

Felony to use, loan, or deposit in a bank, &c. money entrusted to him; punishment.

or shall loan, with or without interest, or shall deposite in any bank, or shall exchange for other funds, except as allowed by this act, any portion of the public moneys intrusted to him for safe-keeping, disbursement, transfer, or for any other purpose, every such act shall be deemed and adjudged to be an embezzlement of so much of the said moneys as shall be thus taken, converted, invested, used, loaned, deposited, or exchanged, which is hereby declared to be a felony; and any failure to pay over or to produce the public moneys intrusted to such person shall be held and taken to be *prima facie* evidence of such embezzlement; and if any officer charged with the disbursements of public moneys shall accept or receive, or transmit to the Treasury Department to be allowed in his favor, any receipt or voucher from a creditor of the United States, without having paid to such creditor, in such funds as the said officer may have received for disbursement, or such other funds as he may be authorized by this act to take in exchange, the full amount specified in such receipt or voucher, every such act shall be deemed to be a conversion by such officer to his own use of the amount specified in such receipt or voucher; and any officer or agent of the United States, and all persons advising or participating in such act, being convicted thereof before any court of the United States of competent jurisdiction, shall be sentenced to imprisonment for a term of not less than six months nor more than ten years, and to a fine equal to the amount of the money embezzled. And, upon the trial of any indictment against any person for embezzling public money under the provisions of this act, it shall be sufficient evidence, for the purpose of showing a balance against such person, to produce a transcript from the books and proceedings of the Treasury, as required in civil cases, under the provisions of the act entitled "An act to provide more effectually for the settlement of accounts between the United States and receivers of public money," approved March third, one thousand seven hundred and ninety-seven; and the provisions of this act shall be so construed as to apply to all persons charged with the safe-keeping, transfer, or disbursement of the public money, whether such persons, be indicted as receivers or depositories of the same; and the refusal of such person, whether in or out of office, to pay any draft, order, or warrant which may be drawn upon him by the proper officer of the Treasury Department, for any public money in his hands belonging to the United States, no matter in what capacity the same may have been received or may be held, or to transfer or disburse any such money promptly, upon the legal requirement of any authorized officer of the United States, shall be deemed and taken, upon the trial of any indictment against such person for embezzlement, as *prima facie* evidence of such embezzlement.

Evidence sufficient to show a balance on a charge of embezzlement.

Act of 1797, c. 74, vol. 1, p. 484.

Until the rooms, &c. directed to be prepared by the first four sections of this act can be constructed others to be procured.

§ 17. *And be it further enacted*, That, until the rooms, offices, vaults, and safes, directed by the first four sections of this act to be constructed and prepared for the use of the Treasurer of the United States, the treasurers of the mints at Philadelphia and

New Orleans, and the assistant treasurers at New York, Boston, Charleston, and St. Louis, can be constructed and prepared for use, it shall be the duty of the Secretary of the Treasury to procure suitable rooms for offices for those officers at their respective locations, and to contract for such use of vaults and safes as may be required for the safe-keeping of the public moneys in the charge and custody of those officers respectively, the expense to be paid by the United States.

And whereas, by the thirtieth section of the act entitled "An act to regulate the collection of duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises imported into the United States," approved July thirty-one, seventeen hundred and eighty-nine, it was provided that all fees and dues collected by virtue of that act should be received in gold and silver coin only; and whereas, also, by the fifth section of the act approved May ten, eighteen hundred, entitled "An act to amend the act entitled 'An act providing for the sale of the lands of the United States in the territory northwest of the Ohio, and above the mouth of Kentucky river,'" it was provided that payment for the said lands shall be made by all purchasers in specie, or in evidences of the public debt; and whereas, experience has proved that said provisions ought to be revived and enforced, according to the true and wise intent of the Constitution of the United States—

Act of 1790. c. 5. vol. 1. p. 6.

Act of 1800. c. 55. vol. 1. p. 783.

§ 18. *Be it further enacted*, That on the first day of January, in the year one thousand eight hundred and forty-seven, and thereafter, all duties, taxes, sales of public lands, debts, and sums of money accruing or becoming due to the United States, and also all sums due for postages or otherwise, to the General Post Office Department, shall be paid in gold and silver coin only, or in Treasury notes issued under the authority of the United States: *Provided*, That the Secretary of the Treasury shall publish, monthly, in two newspapers at the city of Washington, the amount of specie at the several places of deposite, the amount of Treasury notes or drafts issued, and the amount outstanding on the last day of each month.

From and after Jan. 1, 1847, the duties, taxes, &c., accruing to the U. S. shall be paid in gold and silver coin, or in treasury notes.

Proviso.

§ 19. *And be it further enacted*, That on the first day of April, one thousand eight hundred and forty-seven, and thereafter, every officer or agent engaged in making disbursements on account of the United States, or of the General Post Office, shall make all payments in gold and silver coin, or in Treasury notes, if the creditor agree to receive said notes in payment; and any receiving or disbursing officer or agent who shall neglect, evade, or violate the provisions of this and the last preceding section of this act, shall, by the Secretary of the Treasury, be immediately reported to the President of the United States, with the facts of such neglect, evasion, or violation; and also to Congress, if in session; and if not in session, at the commencement of its session next after the violation takes place.

From and after April 1, 1847, all disbursing officers and agents shall make payments in gold and silver coin; or in treasury notes if the creditor agrees to receive them. Violations of this and the preceding section to be reported to the President.

§ 20. *And be it further enacted*, That no exchange of funds shall be made by any disbursing officers or agents of the Govern-

No exchange of funds to be made except for gold and silver.

How payments shall be made.

Officers violating this section to be suspended and reported to the President.

Provide.

The Secretary of the Treasury to issue and publish regulations to enforce the speedy presentation of all drafts for payment, &c.

And no officer of the U. S. shall dispose of for a premium any treasury note, draft, &c. not his private property, without crediting U. S. in his accounts.

Salaries of assistant treasurers.

ment, of any grade or denomination whatsoever, or connected with any branch of the public service, other than on exchange for gold and silver; and every such disbursing officer, when the means for his disbursements are furnished to him in gold and silver, shall make his payments in the money so furnished; or when those means are furnished to him in drafts, shall cause those drafts to be presented at their place of payment, and properly paid according to the law, and shall make his payments in the money so received for the drafts furnished, unless, in either case, he can exchange the means in his hands for gold and silver at par. And it shall be and is hereby made the duty of the head of the proper Department immediately to suspend from duty any disbursing officer who shall violate the provisions of this section, and forthwith to report the name of the officer or agent to the President, with the fact of the violation, and all the circumstances accompanying the same and within the knowledge of the said Secretary, to the end that such officer or agent may be promptly removed from office, or restored to his trust and the performance of his duties, as to the President may seem just and proper: *Provided, however,* That those disbursing officers, having at present credits in the banks, shall, until the first day of January next, be allowed to check on the same, allowing the public creditors to receive their pay from the banks either in specie or bank notes.

§ 21. *And be it further enacted,* That it shall be the duty of the Secretary of the Treasury to issue and publish regulations to enforce the speedy presentation of all Government drafts for payment at the place where payable, and to prescribe the time, according to the different distances of the depositories from the seat of Government, within which all drafts upon them, respectively, shall be presented for payment; and, in default of such presentation, to direct any other mode and place of payment which he may deem proper; but, in all these regulations and directions, it shall be the duty of the Secretary of the Treasury to guard, as far as may be, against those drafts being used or thrown into circulation as a paper currency or medium of exchange. And no officer of the United States shall, either directly or indirectly, sell or dispose to any person or persons, or corporations, whatsoever, for a premium, any Treasury note, draft, warrant, or other public security, nor his private property, or sell or dispose of the avails or proceeds of such note, draft, warrant, or security in his hands for disbursement, without making return of such premium, and accounting therefor by charging the same in his accounts to the credit of the United States; and any officer violating this section shall be forthwith dismissed from office.

§ 22. *And be it further enacted,* That the assistant treasurers directed by this act to be appointed shall receive, respectively, the following salaries per annum, to be paid quarter yearly at the Treasury of the United States, to wit: the assistant treasurer at New York shall be paid a salary of four thousand dollars per annum; the assistant treasurer of Boston shall be paid a salary of

two thousand five hundred dollars per annum; the assistant treasurer at Charleston shall be paid a salary of two thousand five hundred dollars per annum; the assistant treasurer at St. Louis shall be paid a salary of two thousand five hundred dollars per annum; the treasurer of the mint at Philadelphia shall, in addition to his present salary, receive five hundred dollars annually, for the performance of the duties imposed by this act; the treasurer of the branch mint at New Orleans shall also receive five hundred dollars annually, for the additional duties created by this act; and these salaries, respectively, shall be in full for the services of the respective officers; nor shall either of them be permitted to charge or receive any commission, pay, or perquisite, for any official service, of any character or description whatsoever; and the making of any such charge, or the receipt of any such compensation, is hereby declared to be a misdemeanor, for which the officer convicted thereof, before any court of the United States of competent jurisdiction, shall be subject to punishment by fine and imprisonment, or both, at the discretion of the court before which the offence shall be tried.

Additional compensation to the treasurers of the mint and branch mints.

No officer to charge or receive any commission, &c. for official services.

§ 23. *And be it further enacted*, That there shall be and hereby is appropriated, to be paid out of any money in the Treasury not otherwise appropriated, the sum of five thousand dollars, to be expended, under the direction of the Secretary of the Treasury, in such repairs or additions as may be necessary to put in good condition for use, with as little delay as may be consistent with the public interests, the offices, rooms, vaults, and safes herein mentioned, and in the purchase of any necessary additional furniture and fixtures, in the purchase of necessary books and stationery, and in defraying any other incidental expenses necessary to carry this act into effect.

\$5,000 appropriated for repair, &c. of vaults and safes.

§ 24. *And be it further enacted*, That all acts or parts of acts which come in conflict with the provisions of this act be, and the same are hereby repealed. *Approved, August 6th, 1846.*

Acts and parts of acts conflicting repealed.

CHAP. 92. An act to surrender to the State of Tennessee all title the United States have to lands in Tennessee south and west of the line commonly called the Congressional reservation line, and to release to said State the proceeds of such of said lands as may have been sold by the State of Tennessee as the agent of the United States.

§ 1. *Be it enacted, &c.*, That the United States hereby release and surrender to the State of Tennessee the right and title of the United States to all lands in the State of Tennessee lying south and west of the Congressional reservation line in said State which may yet remain unappropriated, and further release and transfer to said State of Tennessee the proceeds of such of said lands as may have been sold by said State, not heretofore paid over to the United States, nor deposited subject to the order or use of the United States, under the authority of the act of Congress of the eighteenth February, eighteen hundred and forty-one, entitled "An act to amend an act entitled 'An act to authorize the State of Tennessee to issue grants and perfect titles to cer-

All unappropriated land of the U. S. in Tennessee, south and west of the Congressional reservation line released to said State, with the proceeds of such as have been sold.

Act of 1841, c. 36, ante, p. 2819.

Said State to apply \$40,000 of the proceeds of said lands to establishment and support of a college.

Proviso.

tain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same,' passed the eighteenth day of April, one thousand eight hundred and six." This surrender and transfer is upon the express condition that the State of Tennessee shall, out of the proceeds of said lands, set apart and apply forty thousand dollars towards the establishment and support of a college at Jackson, in the county of Madison, in the State of Tennessee, if the proceeds of the sales of said lands shall amount to so much; and if the aggregate amount of said sales (not paid over nor deposited as aforesaid) shall not amount to the said sum, then whatever sum smaller than forty thousand dollars they may amount to, in accordance with the provisions contained in an act of the General Assembly of said State, passed in the year eighteen hundred and thirty-eight, being chapter one hundred and seven, section eight, and in accordance with the desire expressed by said General Assembly, in their certain memorial to Congress, passed December four, eighteen hundred and forty-five: *Provided, nevertheless*, That the release herein provided for to the said State of Tennessee of said lands shall be in full satisfaction for any and all services rendered and expenses incurred by said State, or the authorities thereof, in the management, disposal, or administration of said public lands, and as agent or agents of the United States, in virtue of the provisions of the act entitled "An act to amend an act entitled, 'An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same,' passed the eighteenth February, eighteen hundred and forty-one:" *And, provided, also*, That all the said lands the release of which is herein provided for, and the proceeds thereof, shall be and remain subject to all the same claims, incumbrances, and liabilities in relation to "North Carolina land warrants," or other claims of North Carolina, as the same would or could be subject to as regards the United States, if the same were not so as aforesaid released.

Approved, August 7th, 1846.

CHAP. 96. An act making appropriations for the support of the Military Academy for the year ending on the thirtieth June, eighteen hundred and forty-seven.

Board of Visitors.

How selected.

§ 2. *And be it further enacted*, That the President be authorized to appoint a board of visitors, to attend the annual examination of the Military Academy, whose duty it shall be to report to the Secretary of War, for the information of Congress, at the commencement of the next succeeding session, the actual state of the discipline, instruction, police administration, fiscal affairs, and other concerns of the institution: *Provided*, That the whole number of visitors each year shall not exceed the half of the number of States in the Union; and that they shall be selected, alternately, from every second State, each member being a *bona fide* resident citizen of the State from which he shall be appointed; that not less than six members shall be taken from

among officers actually serving in the militia ; and that a second member shall not be taken from any Congressional district, until every other district in the State shall have supplied a member: *Provided, further*, That no compensation shall be made to said members beyond the payment of their expenses for board and lodging while at the Military Academy, and an allowance not to exceed eight cents per mile, for travelling by the shortest mail route from their respective homes to the academy, and back to their homes. And the sum of two thousand dollars is hereby appropriated to defray the expenses of said board of visitors at the next annual examination.

Compensation.

§ 3. *And be it further enacted*, That the teacher of drawing and the first teacher of French at the Military Academy shall hereafter be, respectively, professor of drawing and professor of the French language. *Approved, August 8th, 1846.*

Teachers.

CHAP. 97. An act supplementary to the act passed on the twentieth day of February, eighteen hundred and forty-six, entitled "An act to enlarge the powers of the several orphans' courts held in and for the District of Columbia."

Ante c. 8.

§ 1. *Be it enacted, &c.*, That every orphan or other infant to whom the orphans' courts of the District of Columbia are authorized and empowered by the act to which this act is supplementary, or by any other law in force in the said district or in either county thereof, to appoint a guardian, shall be entitled, on arriving at the age of fourteen years, or at any age between fourteen and twenty-one years, notwithstanding any appointment of guardian before made by such courts, or either of them, to elect a guardian for himself or herself: *Provided*, The orphans' court within whose jurisdiction may be the person and residence of such orphan, or any property, real, personal, or mixed, to which such orphan is entitled, or where a guardian had been duly appointed before, the court by which said former guardian had been appointed approve the character and competency of the person so elected guardian: *And provided*, such orphans' court shall and may require of the guardian, so elected, such security, and exercise towards him all such jurisdiction and powers for compelling the faithful administration of his trust, as are provided in the said act or any other law in force as aforesaid, in the cases of guardians appointed by the said court; and if the said court, in the due exercise of such, its jurisdiction and powers, shall see fit to supercede and remove such guardian, or if such guardian die, or become incompetent during the minority of such orphan, the said court shall forthwith cite such orphan to appear and make a new election of guardian, which such orphan may do under the same conditions and restrictions as are hereinbefore prescribed in respect to the original election of guardian; and for the interval of time between the removal, death, or incompetency of the first elected guardian and the new election of another by such orphan, the said court may, if it deem it expedient, appoint

Orphan children may select guardians in certain cases.

Profiteo.

Security to be given by guardian.

Supercedure.

a guardian *ad interim* until such new election be made; taking such security of such guardian *ad interim*, and exercising, over him such jurisdiction and powers, as are or may be required and given in the cases of other guardians: *And provided further*, That where a guardian is to be superceded by such election, he shall have notice of the application by summons or in writing.

Notice thereof.

How complaint of sureties shall be treated.

§ 2. *And be it further enacted*, That if any surety of a guardian, by petition to the court, before which he was bound, setting forth that he apprehends himself or herself to be in danger of suffering thereby, shall pray that he may be relieved, the said court, after a summons to answer the petition shall have been served upon the guardian, or a copy of such summons left at the place of his usual abode, shall order him to give counter security for the complete indemnity of the original surety, or to deliver the ward's estate into the hands of the surety, or of some other person; in either of which cases it shall take sufficient security of the person into whose hands the ward's estate shall be delivered as aforesaid; and such court shall and may make such further and other order for the relief of the petitioner as to it shall seem just.

Approved, August 8th, 1846.

CHAP. 98. An act to regulate the proceedings in the Circuit and District Courts of the United States, and for other purposes.

Change of time for holding circuit court of U. S. for southern district of New York.

§ 1. *Be it enacted, &c.*, That the circuit court of the United States for the southern district of New York shall hereafter be held on the third Monday in October, instead of the last Monday in November; and that all writs, pleas, suits, recognizances, indictments, and all other proceedings, civil and criminal, shall be returnable to and have day in court, and shall be heard, tried, and proceeded with, by the said court, in the same manner as might and ought to have been done, if the court had been held at the time heretofore directed by law; and it is further provided, that the term of the circuit court appointed by law to be held on the last Monday in July in each year in said district, shall not hereafter be holden.

May remit indictments

§ 2. *And be it further enacted*, That whenever the district attorney shall deem it necessary, it shall be lawful for any circuit court, in session, by order entered on its minutes, to remit to the next term or session of the district court of the same district any indictment pending in the said circuit court, when the offence or offences therein charged may be cognizable by the said district court; and in like manner it shall be lawful for any district court to remit to the next term or session of the circuit court of the same district any indictment pending in the said district court; and such remission shall carry with it all recognizances, processes, and proceedings pending in the case in the court from which the remission is made, and the court to which such remission is made, shall, after the order of remission is filed therein, act and proceed in the case as if the indictment, and all other proceedings in the same had been originated in said court.

§ 3. *And be it further enacted*, That it shall be lawful for the grand juries empannelled and sworn in any district court to take cognizance of all crimes and offences within the jurisdiction of the said circuit and district courts, and every indictment for a capital offence, presented to the district court, shall, by order entered on the minutes of the court, be remitted to the next term and session of the circuit court, together with all recognizances taken therein; and on filing such order and indictment with the clerk of said circuit court, that court shall thereafter proceed thereupon the same as if the indictment had been originally found and presented in said court; and the said district court may moreover, in like manner, remit to the circuit court any indictment pending in said district court, when, in the opinion of the court, difficult and important questions of law are involved in the case; and the proceedings thereupon shall thereafter be the same in the circuit court as if such indictment had been originally found and presented therein. That no grand jury shall hereafter be summoned to attend any circuit or district court of the United States, unless the judge of such district court, or one of the judges of such circuit court, shall, in his own discretion, or upon a notification by the district attorney that such jury will be needed, order a venire to be issued therefor: *Provided*, That nothing herein shall prevent either of said courts in term from directing a grand jury to be summoned and impannelled whenever in its judgment, it may be proper to do so, and at such time as it may direct: *And provided, further*, That nothing herein shall operate to extend beyond what the law now permits, the imprisonment before indictment found of an individual accused of a crime or offence; or the time during which an individual thus accused may be held under recognizance before indictment found.

Grand juries of district courts may take cognizance of crimes within the jurisdiction of the circuit and district court.

How grand juries shall be summoned.

Provided.

Bail.

§ 4. *And be it further enacted*, That any party charged with a criminal offence, and admitted to bail, may, in vacation, be arrested by his bail, and delivered to the marshal or his deputy, before any judge or other officer having power to commit for such offence; and at the request of such bail, the judge or other officer shall recommit the party so arrested to the custody of the marshal, and endorse on the recognizance, or certified copy thereof, the discharge and exoneration of such bail; and the party so committed shall therefrom be held in custody until discharged by due course of law.

§ 5. *And be it further enacted*, That if any captain, or other officer, or mariner of a ship or vessel on the high seas, or any other waters within the admiralty and maritime jurisdiction of the United States, shall piratically or feloniously run away with such ship or vessel, or any goods or merchandise on board such ship or vessel to the value of fifty dollars, or yield up such ship or vessel voluntarily to any pirate, every such person so offending shall be deemed guilty of felony, and, on conviction thereof, shall be punished by fine not exceeding ten thousand dollars, or

Penalty against captain, &c. of vessel, for commission of certain crimes.

by imprisonment not exceeding ten years, or both, according to the nature and aggravation of the offence.

New bail to be given in certain cases.

§ 6. *And be it further enacted*, That upon the necessary proof being made to any judge of the United States, or other magistrate having authority to commit on criminal charges against the laws of the United States, that a person previously admitted to bail on any such criminal charge is about to abscond, and that his bail is insufficient, it shall and may be lawful for any such judge or magistrate to require such person to give better security, or, for default thereof, to cause him to be committed to prison; and, to that end, an order for his arrest may be endorsed on the former commitment, or a new warrant therefor may be issued by such judge or magistrate, setting forth the cause thereof.

Witnesses to enter into recognizance.

§ 7. *And be it further enacted*, That, on the application of any attorney of the United States for any district, and upon satisfactory proof of the materiality of the testimony of any person who shall be a competent witness, and whose testimony shall, in the opinion of any judge of the United States, be necessary upon the trial of any criminal cause or proceeding in which the United States shall be a party or interested, any such judge may compel such person, so required or deemed by him necessary as a witness, to give recognizance, with or without sureties in his discretion, to appear on the trial of said cause or proceeding and give his testimony therein; and for that purpose the said judge may issue a warrant against such person, under his hand, with or without seal, directed to the marshal or other officer authorized to execute criminal or civil process in behalf of the United States, to arrest such person and carry him before such judge.

Penalty for refusal.

And in case the person so arrested shall neglect or refuse to give said recognizance in the manner required by said judge, the said judge may issue a warrant of commitment against such person, which shall be delivered to said officer, whose duty it shall be to convey such person to the prison mentioned in said mittimus. And the said person shall remain in confinement until he shall be removed to the court for the purpose of giving his testimony, or until he shall have given the recognizance required by said judge.

Part of the act of July 7, 1838, repealed.

§ 8. *And be it further enacted*, That so much of the act entitled "An act to increase and regulate the terms of the circuit and district courts for the northern district of New York," passed July seventh, eighteen hundred and thirty-eight, as requires all issues of fact in the said circuit court in which the cause of action shall have arisen west of the line in the said act for that purpose designated to be tried at the term of said circuit court to be held at Canandaigua, and all issues of fact in the said court which shall have arisen east of the said line, to be

Stated session of the U. S. circuit court for the northern district of New York to be held at Albany.

tried at Albany, be, and the same is hereby repealed. And that in addition to the courts now provided by law to be held in the northern district of New York, a stated session of the circuit court of the United States for said northern district shall be held

annually at the City Hall in the city of Albany, on the third Tuesday of May.

§ 9. *And be it further enacted*, That no process issued or proceedings pending in either of the said courts shall be avoided or impaired by the change hereby made in the time and place of holding such court; but all process, bail bonds, and recognizances, returnable at either of the times and places hereby altered, shall be deemed and held to be returnable at the time and place herein designated in lieu thereof, in the same manner as if the same had in terms been made so returnable, and shall have full effect accordingly. And all continuances may be made to conform to the provisions of this act.

Process or proceedings not to be impaired by reason of the change.

§ 10. *And be it further enacted*, That hereafter a term of the district court for the northern district of New York shall be held in the village of Auburn, on the third Tuesday in August in each year. *And it is further provided*, That the term of the district court now required by law to be held at the city of Buffalo, on the second Tuesday of October in each year, shall hereafter be held on the second Tuesday of November in each year.

Term held in Auburn.

Time of holding the term at Buffalo changed.

§ 11. *And be it further enacted*, That, whenever any indictment shall be pending in any court of the United States, and any defendant thereto shall make an affidavit setting forth that there are witnesses whose evidence is material to his defence, and that he cannot safely go to trial without them, what he expects to prove by each of them, that they are within the district in which the court is held, or within one hundred miles of the place of trial, and that he is not possessed of sufficient means, and is actually unable to pay the fees of such witnesses, the court in term, or any judge thereof in vacation, may, if it appear proper to do so, order that such witnesses be subpoenaed, if found within the limits aforesaid, and in such case, the costs incurred by such process and the fees of such witnesses shall be paid in the same manner that similar costs and fees are paid in case of witnesses subpoenaed in behalf of the United States.

Process to compel attendance of absent witnesses.

§ 12. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act, shall be, and the same are hereby, repealed: *Provided nevertheless*, That they shall be and remain in full force for the punishment of any crime or offence committed before the passing of this act.

Inconsistent acts repealed.

Proviso.

Approved, August 8th, 1846.

CHAP. 99. An act to attach to the Fort Wayne land district certain tracts of land lying within the limits of that district which are not now attached to any district.

§ 1. *Be it enacted, &c.* That all the lands in the State of Indiana which lie north of the township line dividing townships twenty-three and twenty-four, and east of the range line dividing ranges four and five east, which lie south of the Wabash river, be, and the same are hereby, attached to the Fort Wayne land district; and all that tract of land which lies north of the town-

Fort Wayne land district in Indiana, certain other lands attached thereto.

ship line dividing townships twenty-three and twenty-four, and west of the range line dividing ranges four and five east, and east of the east line of the Crawfordville land district, be attached to and shall form a part of the Winnemac land district; and all the lands lying south of the said township line, dividing the said townships twenty-three and twenty-four, which were heretofore within the limits of the Fort Wayne land district, including the portions of the late Miami cessions south of said line, be, and the same are, attached to the Indianapolis land district; and all lands lying within any of the aforesaid land districts which may not have been offered for sale, shall hereafter constitute a part of the land district in which they respectively lie.

Approved, August 8th, 1846.

CHAP. 100. An act to provide for the distribution of the edition of the laws and treaties of the United States published by Little and Brown, under the provisions of the resolution of Congress approved March third, eighteen hundred and forty-five, and for other purposes.

How Little & Brown's edition of the laws, &c. is to be distributed.

§ 1. *Be it enacted, &c.,* That, the one thousand copies of Little and Brown's edition of laws and Treaties of the United States, already purchased by Congress, be distributed, under the direction of the Secretary of State, as follows:

President and Vice President.

One copy to the President and one copy to the Vice President of the United States;

Judges & clerk of Supreme Court.

One copy to each of the justices of the Supreme Court of the United States, and to the clerk of said court;

Heads of Departments and Attorney Gen'l, States and Territories.

One copy to each of the Heads of Departments, and one copy to the Attorney General of the United States;

Foreign Governments.

One copy to each of the several States and Territories of the Union, to be placed in the library of such State or Territory.

One copy each to the Governments of Great Britain, France, Russia, Austria, Prussia, Spain, Portugal, Sweden, Denmark, Bavaria, the Netherlands, Belgium, Sardinia, Greece, Turkey, Tuscany, the Ecclesiastical States, the Two Sicilies, China, Brazil, Mexico, New Grenada, Venezuela, Chili, Peru, the Argentine Confederation, and the Sandwich Islands;

Heads of Departments.

Forty copies to the Heads of Departments, for the use of their various offices and bureaus;

Congress.

Two hundred and eighty copies to the Librarian of Congress, for the use of the members of the Senate and House of Representatives during the Sessions of Congress;

Law Library of Congress. Committees.

Four copies to the law library of Congress;

Twenty copies to the Secretary of the Senate, and fifty copies to the Clerk of the House of Representatives, for the chambers and committee rooms of the two branches;

District Judges and clerks.

One copy to the judge and one copy to the district attorney, and one copy to the clerk, of each of the district courts of the United States;

Judges & clerks of Territories.

One copy to each of the judges and clerks of the Supreme courts of the Territories and District of Columbia;

One copy to each collector of customs in the United States ; Collectors of customs.
 One copy to each surveyor of the customs at places where Surveyors of customs.
 there is no collector ;

One copy to each of the surveyors general of the public lands, Land offices.
 and to each register and receiver of the land offices ;

One copy to each of the foreign ministers of the United Foreign Ministers
 States ;

One copy to the library of each navy yard in the Union ; one Navy Yards, schools, lyceums, military academy, &c.
 to the naval lyceum at Brooklyn, New York ; one to the naval school at Annapolis, Maryland ; one to the naval institute at Charlestown, Massachusetts ; and one copy to the Military Academy at West Point.

And the residue of said thousand copies shall remain at the Residue.
 future disposal of Congress : *Provided*, That the copies of the Proviso.
 laws thus distributed to public officers shall be held for the use of their respective offices, and as the property of the Government ; and that, in case of the death, resignation, or dismissal from office of either of said officers, or whenever their terms of office shall expire, the said copies of the laws shall be delivered up to their successors in said offices ; and a printed copy of this proviso shall be inserted into each of the volumes thus distributed.

§ 2. And whereas said edition of the said laws and treaties of Preamble.
 the United States has been carefully collated and compared with the original rolls in the archives of the Government, under the inspection and supervision of the Attorney General of the United States, as duly certified by that officer ; therefore, *Be it further enacted*, That said edition of the Laws and Treaties of the Made competent evidence in U. S. courts.
 United States, published by Little and Brown, is hereby declared to be competent evidence of the several public and private acts of Congress, and of the several treaties therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof. *Approved, August 8th, 1846.*

CHAP. 101. An act to provide for the more effectual publication of the laws of the United States.

§ 1. *Be it enacted, &c.*, That the twenty-first section of the act entitled " An act legalizing and making appropriations for such necessary objects as have usually been included in the general appropriation bills, without authority of law, and to fix and provide for certain incidental expenses of the Departments and offices of the Government, and for other purposes," approved August twenty-six, eighteen hundred and forty-two, be, and the same is hereby, repealed. Act of August 26, 1842, repealed. Act of 1842, c. 227, ante p. 2806.

§ 2. *And be it further enacted*, That so much of the act entitled " An act to provide for the publication of the laws of the United States, and for other purposes," approved April twentieth, eighteen hundred and eighteen, as is repealed by the said twenty- Laws to be published in two newspapers in each State and Territory.

Act of 1818, c. 75, vol. 3, p. 1685.

first section, be, and the same is hereby, revived and continued in force: *Provided*, That the Secretary for the Department of State shall cause the publication of such laws, resolutions, treaties, and amendments, in two of the newspapers in the District of Columbia, and in each of the several States and Territories of the United States, and no more. *Approved, August 8th, 1846.*

CHAP. 102. An act for the allowance of drawback on foreign merchandise imported into certain districts of the United States from the British North American provinces, and exported to foreign countries.

Drawback on foreign merchandise allowed.

§ 1. *Be it enacted, &c.* That, any merchandise imported from the British North American provinces adjoining the United States which shall have been duly entered and the duties thereon paid or secured according to law at either of the ports of entry in the collection districts situated on the northern, north-eastern, and northwestern frontiers of the United States, may be transported by land or by water, or partly by land, and partly by water, to any port or ports from which merchandise may, under existing laws, be exported for benefit of drawback, and be thence exported with such privilege to any foreign country: *Provided*, That such exportations shall be made within one year from the date of importation of said merchandise, and that existing laws relating to the transportation of merchandise entitled to drawback from one district to another, or to two other districts, and the due exportation and proof of landing thereof, and all regulations which the Secretary of the Treasury may prescribe for the security of the revenue shall be complied with.

Provided.

Approved, August 8th, 1846.

CHAP. 103. An act granting certain lands to the Territory of Iowa, to aid in the improvement of the navigation of the Des Moines river, in said Territory.

Public lands granted to the Territory of Iowa, for the improvement of the Des Moines river.

§ 1. *Be it enacted, &c.* That there be, and hereby is, granted to the Territory of Iowa, for the purpose of aiding said Territory to improve the navigation of the Des Moines river from its mouth to the Racoon Fork, (so called) in said Territory, one equal moiety, in alternate sections, of the public lands, (remaining unsold, and not otherwise disposed of, encumbered or appropriated,) in a strip five miles in width on each side of said river; to be selected within said Territory by an agent or agents to be appointed by the governor thereof, subject to the approval of the Secretary of the Treasury of the United States.

Not to be conveyed or disposed of, except in certain cases.

§ 2. *And be it further enacted*, That the lands hereby granted shall not be conveyed or disposed of by said Territory, nor by any State to be formed out of the same, except as said improvements shall progress; that is, the said Territory or State may sell so much of said lands as shall produce the sum of thirty thousand dollars, and then the sales shall cease, until the governor of said Territory or State shall certify the fact to the President of the United States, that one-half of said sum has been

expended upon said improvement, when the said Territory or State may sell and convey a quantity of the residue of said lands, sufficient to replace the amount expended, and thus the sales shall progress as the proceeds thereof shall be expended, and the fact of such expenditure shall be certified as aforesaid.

§ 3. *And be it further enacted*, That the said river Des Moines shall be and forever remain a public highway for the use of the Government of the United States, free from any toll or other charge whatever for any property of the United States, or persons in their service passing through or along the same: *Provided, always*, That it shall not be competent for the said Territory or future State of Iowa to dispose of said lands, or any of them, at a price lower than, for the time being, shall be the minimum price of other public lands.

Des Moines river declared a public highway.

Proviso

§ 4. *And be it further enacted*, That whenever the Territory of Iowa shall be admitted into the Union as a State, the lands hereby granted for the above purpose shall be and become the property of said State for the purpose contemplated in this act, and no other: *Provided*, The legislature of the State of Iowa, shall accept the said grant for the said purpose.

Lands to become the property of Iowa on her admission into the Union.

Proviso.

Approved, August 8th, 1846.

CHAP. 104. An act to regulate writs of error and appeals from the district court of the United States for the middle district of Alabama.

§ 1. *Be it enacted, &c.*, That hereafter writs of error and appeals, shall be taken from the district court of the United States for the middle district of Alabama directly to the Supreme Court of the United States, under the same regulations that writs of error and appeals are allowed from the circuit courts of the United States, to the Supreme Court; and no writs of error or appeals shall lie from said district court to the circuit court of the United States for the southern district of Alabama, as heretofore allowed.

How writs of error & appeals to be taken.

§ 2. *And be it further enacted*, That all causes now pending in the circuit court of the United States for the fifth judicial circuit and southern district of Alabama, and which were removed to that court by writ of error or appeal from the district court of the United States for the middle district of Alabama, are hereby transferred to the Supreme Court of the United States. Said Supreme Court shall hear and determine the errors assigned in said circuit court, in the same manner that the circuit court, should have done had said causes not been removed.

Causes transferred.

Approved, August 8th, 1846.

CHAP. 105. An act more effectually to provide for the enforcement of certain provisions in the treaties of the United States.

Whereas, in the treaty between the United States and his Majesty the King of Prussia, it is provided that "the consuls, vice-consuls, and commercial agents shall have the right, as such, to sit as judges and arbitrators in such differences as

Preamble.

may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or the captain should disturb the order or tranquility of the country, or the said consuls, vice-consuls, or commercial agents should require their assistance to cause their decisions to be carried into effect or supported ;” and whereas a similar provision, in substance, exists in other treaties of the United States with some other foreign Powers ; and whereas no jurisdiction is given by law to any courts or magistrates in the United States to carry into effect the said provisions ; for the remedy thereof—

Jurisdiction of district and circuit courts of U. S. and of commissioners, in certain cases, defined.

§ 1. *Be it enacted, &c.*, That the district and circuit courts of the United States, and the commissioners who now are, or shall be hereafter appointed by the circuit courts of the United States to take acknowledgments of bail and affidavits, and also to take depositions of witnesses in civil causes, and to exercise the powers of any justice of the peace in respect to offenders for any crime or offence against the United States, by arresting, imprisoning, or bailing the same, under and in virtue of the laws of the United States, shall have full power, authority, and jurisdiction, upon the application or petition of the said consuls, vice-consuls, or commercial agents, requiring their assistance to carry into effect the award, or arbitration, or decree of any such consuls, vice-consuls, or commercial agents, in the premises, according to the true intent and meaning of such award, and arbitration, or decree ; and for this purpose shall have full authority to issue all proper remedial process, mesne and final, to carry into full effect such award, arbitration, or decree, and to enforce obedience thereto ; by imprisonment in the common jail or other place of imprisonment in the district in which the United States may lawfully imprison any person arrested under the authority of the United States, until such award, arbitration, or decree shall be complied with, or the parties shall be otherwise discharged therefrom, by the consent, in writing, of such consuls, vice-consuls, or commercial agents, or their successors in office, or by the authority of the foreign Government by which such consuls, vice-consuls, or commercial agents are appointed : *Provided, however*, That the expenses of the said imprisonment, if any, and the maintenance of the prisoners, and the costs of the proceedings, shall be borne by such foreign Governments, or by its consuls, vice-consuls, or commercial agents requiring such imprisonment. And the marshals of the United States and their deputies shall have full authority, and shall be bound to serve all such process, and do all other acts necessary and proper to carry into full effect all and singular the premises under the authority of the said courts, or of the said commissioners. *Approved, August 8th, 1846.*

Provide.

CHAP. 106. An act to equalize the compensation of the Surveyors General of the public lands of the United States, and for other purposes.

Compensation of surveyors general.

§ 1. *Be it enacted, &c.*, That, from and after the thirtieth

day of June, eighteen hundred and forty-six, the surveyor general of Wisconsin and Iowa and the surveyor general of Arkansas shall each receive the same annual salary as the other surveyors general of the public lands of the United States; and each of said surveyors general shall be allowed the same amount for clerk hire in their respective offices as is now allowed by law for the office of the surveyor general northwest of the Ohio.

§ 2. *And be it further enacted*, That the surveyors general of the public lands of the United States, in addition to the oath now authorized by law to be administered to deputies on their appointment to office, shall require each of their deputies on the return of his surveys, to take and subscribe an oath or affirmation that those surveys have been faithfully and correctly executed, according to law and the instructions of the surveyor general; and, on satisfactory evidence being presented to any court of competent jurisdiction, that such surveys, or any part thereof, had not been thus executed, the deputy making such false oath or affirmation shall be deemed guilty of perjury, and shall suffer all the pains and penalties attached to that offence; and the district attorney of the United States for the time being, in whose district any such false, erroneous, or fraudulent surveys shall have been executed, shall, upon the application of the proper surveyor general, immediately institute suit upon the bond of such deputy; and the institution of such suit shall act as a lien upon any property owned or held by such deputy, or his sureties, at the time such suit was instituted. *Approved, August 8th, 1846.*

CHAP. 107. An act making copies of papers certified by the Secretary of the Senate and Clerk of the House of Representatives legal evidence.

§ 1. *Be it enacted, &c.*, That extracts from the Journals of the Senate or of the House of Representatives, and of the Executive Journal of the Senate, when the injunction of secrecy is removed, duly certified by the Secretary of the Senate or by the Clerk of the House of Representatives, shall be admitted as evidence in the several courts of the United States, and shall have the same force and effect as the originals thereof would have if produced in court and proved.

§ 2. *And be it further enacted*, That for all such copies, certified as aforesaid, the Secretary of the Senate and Clerk of the House of Representatives shall be entitled to the same fees as are now allowed by law, for similar services, to the Secretary of State.

CHAP. 108. An act to carry into effect the convention between the United States and the Republic of Peru, concluded at Lima, the seventeenth day of March, eighteen hundred and forty-one.

§ 1. *Be it enacted, &c.*, That, the Attorney General of the United States shall be, and is hereby, authorized and empowered to adjudicate the claims arising under the convention concluded between the United States and the Republic of Peru, at Lima, the seventeenth March, eighteen hundred and forty-one; and

shall, within the space of twelve months from and after the passing of this act, receive, examine, and decide upon the amount and validity of all such claims as may be presented to him, and as are provided for by the said convention, according to the merits of the several cases, and the principles of justice, equity, and the law of nations, and the stipulations of the said convention. And the Attorney General shall be, and is hereby, authorized and empowered to appoint the clerk of the Attorney General's office, or any other person, to act as clerk under him in the performance of the duties prescribed by this act; and the Attorney General and the said clerk shall, before entering on such duties, severally take an oath for their faithful performance.

f Clerk to be employed.

Oath,

To adopt rules.

§ 2. *And be it further enacted,* That the Attorney General shall be, and he is hereby, authorized and empowered to make all needful rules and regulations, not contravening the laws of the land, the provisions of this act, or the provisions of the said convention, for carrying the said convention and this act into effect.

Records coming into the State Department to be delivered to Attorney General.

Publication.

§ 3. *And be it further enacted,* That all records, documents, or other papers which now are in, or hereafter may come into, the possession of the Department of State, in relation to the said claims, shall be delivered to the Attorney General, who shall forthwith, after the passing of this act, proceed to execute the duties hereby confided to him, and shall give notice in one or more of the newspapers published in the city of Washington, and in such other newspapers published elsewhere as he may deem necessary, of his appointment to adjudicate the said claims, and requiring the claimants to present their claims and evidence; and shall thereafter proceed, with all convenient despatch, to arrange and docket the several claims, and to consider the evidence which shall have been or may be offered by the respective claimants, allowing such further time for the production of additional evidence as he shall consider reasonable and just; and shall thereafter adjudicate and determine the said claims, and award the ratable proportions of the several claimants in the sums which may have been received, and which may be hereafter received by the United States from the Republic of Peru, under the stipulations of the convention aforesaid.*

Claims docketed. to be

Award.

Compensation.

§ 4. *And be it further enacted,* That the compensation of the Attorney General and his clerk, for their services in the adjudication of the said claims, and carrying the said convention and this act into effect, shall be as follows, and no more, to wit: two thousand dollars for the Attorney General, and one thousand dollars for his clerk, payable out of the first funds received under the said convention.

Attorney General to report to Secretary of State.

§ 5. *And be it further enacted,* That the Attorney General shall report to the Secretary of State a list of the several awards made by him, a certified copy of which shall be transmitted by the said Secretary of State to the Secretary of the Treasury, who shall, from time to time, as they may be received, distribute

in ratable proportions among the persons in whose favor the awards shall have been made, such sums of money or securities as may have been received into the Treasury in virtue of the said convention and this act, according to the proportion which their respective awards shall bear to the whole amount received, first deducting such sums of money as may be due to the United States from said persons in whose favor said awards shall be made. And the said Secretary of the Treasury shall cause certificates to be issued, in such form as he shall prescribe, showing the proportion to which each claimant may be entitled of the amount to be received; and on the presentation of the said certificates at the Treasury, as the nett proceeds of the several installments may be received, such proportions thereof shall be paid to the legal holders of said certificates.

Distribution.

Secretary of Treasury to issue certificates.

When to be paid.

§ 6. *And be it further enacted*, That the Secretary of the Treasury shall cause the several installments, with the interest thereon, payable to the United States in virtue of the said convention, or the securities therefor, to be received from the Republic of Peru, and transferred to the United States, in such manner as he may deem best; and the nett proceeds thereof to be paid into the Treasury, and the same are hereby appropriated to pay the awards herein provided for.

Installments from Peru to be received.

§ 7. *And be it further enacted*, That as soon as the duties hereby prescribed are completed by the Attorney General, the records, documents, and all other papers relating to the said claims in his possession shall be deposited in the office of the Secretary of State.

Records to be deposited in the State department.

Approved, August 8th, 1846.

CHAP. 109. An act to establish an additional land district in Iowa.

1. *Be it enacted, &c.*, That, for the sale of public lands in the Territory of Iowa, an additional land district is hereby created, comprising all the lands lying between the line dividing townships seventy-five and seventy-six north, and the line dividing townships eighty-three and eighty-four north, which shall be called the Iowa district.

Additional land district in Iowa established.

§ 2. *And be it further enacted*, That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver of the public moneys for the said district, who shall respectively be required to reside at the site of said office, and who shall have the same powers, perform the said duties, and be entitled to the same compensation as are or may be prescribed by law in relation to other land offices of the United States.

Register and Receiver to be appointed.

§ 3. *And be it further enacted*, That the President is authorized to cause the public lands in the said district, with the exemption of sections numbering sixteen in each township, reserved for the use of schools, or such other lands as may be selected by law in lieu thereof, and of such other tracts as he may select for military or other purposes, to be exposed to sale in the same manner and upon the same terms and conditions as the other public lands of the United States.

To be exposed to sale.

Site.

§ 4. *And be it further enacted*, That the President is hereby authorized to designate the site at which the said office shall be established, and to remove the same to any other place within said district, whenever, in his opinion, it may be deemed expedient. *Approved, August 8th, 1846.*

CHAP. 110. An act to amend the act approved second April, eighteen hundred and forty-four, entitled "An act directing the disposition of certain unclaimed goods, wares or merchandise seized for being illegally imported into the United States."

Disposition of certain unclaimed goods illegally imported.

Act of 1844, c. 8, ante p. 3003.

§ 1. *Be it enacted, &c.*, That the provisions of the act entitled "An act directing the disposition of certain unclaimed goods, wares, or merchandise seized for being illegally imported into the United States," approved April second, eighteen hundred and forty-four, shall apply to all property of the appraised value of one hundred dollars or less, anything contained in any other act to the contrary notwithstanding.

Approved, August 8th, 1846.

CHAP. 170. An act to grant a certain quantity of land to aid in the improvement of the Fox and Wisconsin rivers, and to connect the same by a canal in the Territory of Wisconsin.

Grant of land to aid in improving the Fox and Wisconsin rivers.

U. S. to use said rivers and canal free from toll.

§ 1. *Be it enacted, &c.*, That there be, and hereby is, granted to the State of Wisconsin, on the admission of such State into the Union, for the purpose of improving the navigation of the Fox and Wisconsin rivers, in the Territory of Wisconsin, and of constructing the canal to unite the said rivers at or near the portage, a quantity of land, equal to one-half of three sections in width, on each side of the said Fox river, and the lakes through which it passes, from its mouth to the point where the portage canal shall enter the same, and on each side of the said canal from one stream to the other, reserving the alternate sections to the United States, to be selected under the direction of the governor of said State, and such selection to be approved by the President of the United States. The said rivers, when improved, and the said canal, when finished, shall be and forever remain a public highway for the use of the Government of the United States, free from any toll or other charge whatever for the transportation of the mails, or for any property of the United States or persons in their service passing upon or along the same: *Provided*, The said alternate sections, reserved to the United States, shall not be sold at a less rate than two dollars and fifty cents the acre: *Provided, also*, That no pre-emptive claim to the lands so reserved shall give the occupant, or any other person claiming through or under him, a right to said lands at any price less than the price fixed in this act, at the time of the settlement on said lands.

§ 2. *And be it further enacted*, That as soon as the Territory of Wisconsin shall be admitted as a State into the Union, all the lands granted by this act shall be and become the proper-

ty of said State for the purpose contemplated in this act, and no other: *Provided*, That the legislature of said State shall agree to accept said grant upon the terms specified in this act; and shall have power to fix the price at which said lands shall be sold, not less than one dollar and twenty-five cents the acre; and to adopt such kind and plan of improvement on said route as the said legislature shall from time to time determine for the best interest of said State. *Provided, also*, That the lands hereby granted shall not be conveyed or disposed of by said State, except as said improvements shall progress: that is, the said State may sell so much of said lands as shall produce the sum of twenty thousand dollars, and then the sales shall cease until the governor of said State shall certify the fact to the President of the United States that one-half of said sum has been expended upon said improvements, when the said State may sell and dispose of a quantity of said lands sufficient to reimburse the amount expended; and thus the sales shall progress as the proceeds thereof shall be expended, and the fact of such expenditure certified in the manner herein mentioned.

Legislature to accept the grant and fix the price of the land at not less than \$1.25 per acre.

§ 3. *And be it further enacted*, That the said improvement shall be commenced within three years after the said State shall be admitted into the Union, and completed within twenty years, or the United States shall be entitled to receive the amount for which any of said lands may have been sold by said State: *Provided*, That the title of purchasers under the sales made by the State, in pursuance of this act, shall be valid.

Title of purchasers under this act shall be valid.

Approved, August 8th, 1845.

CHAP. 175. An act making appropriations for the civil and diplomatic expenses of Government, for the year ending the thirtieth day of June, eighteen hundred and forty-seven, and for other purposes.

§ 2. *And be it further enacted*, That in addition to the assistant appraisers, authorized by law at the port of New York, there may be appointed in the mode now prescribed by law, one additional assistant appraiser at said port, at a salary, as heretofore established, of fifteen hundred dollars per annum, to be paid out of any money in the Treasury not otherwise appropriated: *Provided*, said salary shall not commence, or appointment take effect, prior to the thirtieth of November next, and in appraising all goods at any port of the United States, heretofore subjected to specific duties, but upon which ad valorem duties are imposed by the act of the thirtieth of July last, entitled "An act reducing the duty on imports and for other purposes," reference shall be had to values and invoices of similar goods imported during the last fiscal year, under such general and uniform regulations for the prevention of fraud or undervaluation as shall be prescribed by the Secretary of the Treasury.

Additional appraiser at New York authorized

Provido.

Anto c. 74.

§ 3. *And be it further enacted*, That it shall be lawful for the respective heads of departments to continue in service during the current fiscal year the officers and persons, and at the salaries

Heads of Department may continue officers, authorized by act of Aug. 26, 1842.

and June 17, 1844. and compensations authorized in the act approved twenty-sixth of August, one thousand eight hundred and forty-two, entitled "An act legalizing and making appropriations for such necessary objects as have been usually included in the general appropriation bills without authority of law, and to fix and provide for certain incidental expenses of the departments and officers of the Government, and for other purposes," and also the clerks authorized to be employed in the office of the First Comptroller of the Treasury by the act of June seventeenth, one thousand eight hundred and forty-four, entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the fiscal year ending the thirtieth of June, one thousand eight hundred and forty-five, and for other purposes;" and also the clerk in the office of the Second Auditor, authorized by the same act: *Provided*, That nothing in this section shall be construed to authorize the employment of any clerks in the statistical branch of the Treasury Department.

Previous.

Surveyor northwest of the Ohio to cause to be surveyed so much of line between Michigan and Wisconsin as lies between the sources of Brulé and Montreal river. Ante, c. 89.

§ 4. *And be it further enacted*, That the surveyor general northwest of the Ohio, under the direction of the President, be, and hereby is, required to cause to be surveyed, marked, and designated, so much of the line between Michigan and Wisconsin as lies between the source of Brulé river and the source of Montreal river, as defined by the "act to enable the people of Wisconsin Territory to form a constitution and State government, and for the admission of such State into the Union;" and the expense of such survey shall be paid upon the certificate of the said surveyor general out of any money in the Treasury not otherwise appropriated, not exceeding one thousand dollars;

Repeal of 4th section of general appropriation act of June 30, 1846. Act of 1846. c. 188.

§ 5. *And be it further enacted*, That the fourth section of the act, entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the thirtieth of June, eighteen hundred and forty-six, and for other purposes," passed third March, eighteen hundred and forty-five, be, and the same is hereby, repealed.

Approved, August 10th, 1846.

CHAP. 176. An act making appropriations for the Naval service for the year ending on the thirtieth June, eighteen hundred and forty-seven.

Number of Officers and men to be reduced on conclusion of the war.

§ 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Navy, on the conclusion of the existing war with Mexico, to reduce the number of petty officers, seamen, ordinary seamen, landsmen, and boys, herein provided for, to seven thousand five hundred.

Expenditure for the navy-yard at Memphis limited.

§ 3. *And be it further enacted*, That it shall be the duty of the Secretary of the Navy, in the expenditure of the appropriations made for the navy yard at Memphis, to confine the same to the construction of a ropewalk.

Repairs, improvement, and instruction at Fort Snyrna.

§ 4. *And be it further enacted*, That of the money appropriated in this act for "pay of the navy," and "contingent ex-

penses enumerated," an amount not exceeding twenty-eight thousand and two hundred dollars may be expended, under the direction of the Secretary of the Navy, for repairs, improvements, and instruction at Fort Severn, Annapolis, Maryland.

§ 5. *And be it further enacted*, That, upon application of the Secretary of the Navy, the President of the United States shall have authority, when in his opinion the exigencies of the service require it, to direct that a part of the money appropriated for a particular branch of the naval service be applied to another branch of the said service; in which case, a special account of the moneys thus transferred, and of their application, shall be laid before Congress before its adjournment, if in session, or during the first week of the next ensuing session, if such transfer be made in the recess of Congress: *Provided*, That nothing contained in this act shall be construed to authorize the President of the United States to direct any sum appropriated for improvements at navy yards to be applied to any other object of public expenditure, or to authorize any sum to be transferred from any unexpended balance which may be necessary for the purposes for which the appropriation was originally made, or from any head or object of appropriation which may require another appropriation at any future time to supply the deficiency occasioned by such transfer: *Provided, also*, That this section shall apply to the appropriations for the fiscal year ending June thirty, eighteen hundred and forty-six, and to no other.

Transfers of appropriations authorized in certain cases.

Proviso.

This section to apply to appropriation for year ending June 30, 1836.

§ 6. *And be it further enacted*, That, from and after the passage of this act, every proposal for naval supplies invited by the Secretary of the Navy, under the proviso to the general appropriation bill for the navy, approved March third, eighteen hundred and forty-three, shall be accompanied by a written guaranty, signed by one or more responsible persons, to the effect that he or they undertake that the bidder or bidders will, if his or their bid be accepted, enter into an obligation in such time as may be prescribed by the Secretary of the Navy, with good and sufficient sureties, to furnish the supplies proposed.—No proposal shall be considered, unless accompanied by such guaranty. If, after the acceptance of a proposal, and a notification thereof to the bidder or bidders, he or they shall fail to enter into an obligation within the time prescribed by the Secretary of the Navy, with good and sufficient sureties for furnishing the supplies then the Secretary of the Navy shall proceed to contract with some other person or persons for furnishing the said supplies; and shall forthwith cause the difference between the amount contained in the proposal so guarantied and the amount for which he may have contracted for furnishing the said supplies, for the whole period of the proposal, to be charged up against said bidder or bidders, and his or their guarantor or guarantors; and the same may be immediately recovered by the United States, for the use of the Navy Department, in an action of debt against either or all of said persons.

Proposals for naval supplies to be accompanied by a written guaranty.

On failure of bidders to give bond and security within time prescribed, the Secretary of the Navy shall contract with some other person.

Approved, August 10th, 1846.

CHAP. 178. An act to establish the "Smithsonian Institution," for the increase and diffusion of knowledge among men.

Recable.

James Smithson, esquire, of London, in the kingdom of Great Britain, having, by his last will and testament, given the whole of his property to the United States of America, to found at Washington, under the name of the "Smithsonian Institution," an establishment for the increase and diffusion of knowledge among men; and the United States having by an act of Congress received said property and accepted said trust; therefore, for the faithful execution of said trust according to the will of the liberal and enlightened donor—

Smithsonian Institution established.

§ 1. *Be it enacted, &c.* That the President and Vice President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster General, the Attorney General, the Chief Justice, and the Commissioner of the Patent Office of the United States, and the Mayor of the city of Washington, during the time for which they shall hold their respective offices, and such other persons as they may elect honorary members, be, and they are hereby constituted, an "establishment," by the name of the "Smithsonian Institution," for the increase and diffusion of knowledge among men; and by that name shall be known and have perpetual succession, with the powers, limitations, and restrictions hereinafter contained, and no other.

Amount received lent to U. S. Treasury at six per cent. interest from Sept. 1, 1838.

Interest accruing on 1st July next to be appropriated to the erection of buildings and other incidental expenses

Interest accruing semi-annually appropriated for the perpetual maintenance and support of the Institution.

All moneys and stocks received of the bequest pledged to the fund to the U. S.

§ 2. *And be it further enacted,* That so much of the property of the said James Smithson as has been received in money, and paid into the Treasury of the United States, being the sum of five hundred and fifteen thousand one hundred and sixty-nine dollars, be lent to the United States Treasury, at six per cent. per annum interest from the first day of September, in the year one thousand eight hundred and thirty-eight, when the same was received into the said Treasury; and that so much of the interest as may have accrued on the said sum on the first day of July next, which will amount to the sum of two hundred and forty-two thousand one hundred and twenty-nine dollars, or so much thereof as shall by the board of regents of the institution established by this act be deemed necessary, be, and the same is hereby, appropriated for the erection of suitable buildings, and for other current incidental expenses of said institution; and that six per cent. interest on the said trust fund, it being the said amount of five hundred and fifteen thousand one hundred and sixty-nine dollars, received into the United States Treasury on the first of September one thousand eight hundred and thirty-eight, payable, in half-yearly payments, on the first of January and July in each year, be, and the same is hereby, appropriated for the perpetual maintenance and support of said institution; and all expenditures and appropriations to be made, from time to time, to the purposes of the institution aforesaid, shall be exclusively from the accruing interest, and not from the principal of the said fund. *And be it further enacted,* That all the moneys

and stocks which have been, or may hereafter be, received into the Treasury of the United States on account of the fund bequeathed by James Smithson, be, and the same hereby are, pledged to refund to the Treasury of the United States the sums hereby appropriated.

the amount here-
by appropriated.

§ 3. *And be it further enacted*, That the business of the said institution shall be conducted at the city of Washington by a board of regents by the name of the Regents of the "Smithsonian Institution," to be composed of the Vice President of the United States, the Chief Justice of the United States, and the Mayor of the city Washington, during the time for which they shall hold their respective offices; three members of the Senate, and three members of the House of Representatives, together with six other persons, other than members of Congress, two of whom shall be members of the National Institute in the city of Washington, and resident in the said city; and the other four thereof shall be inhabitants of States, and no two of them of the same State. And the regents to be selected as aforesaid, shall be appointed immediately after the passage of this act—the members of the Senate by the President thereof, the members of the House by the Speaker thereof, and the six other persons by joint resolution of the Senate and House of Representatives; and the members of the House so appointed shall serve until the fourth Wednesday in December, the second next after the passage of this act; and then, biennially thereafter, on every alternate fourth Wednesday of December, a like number shall be appointed in the same manner, to serve until the fourth Wednesday in December, the second succeeding their appointment. And the Senators so appointed shall serve during the term for which they shall hold, without re-election, their office as Senators. And vacancies, occasioned by death, resignation, or otherwise, shall be filled as vacancies in committees are filled—and the other six members aforesaid, shall serve, two for two years, two for four years, and two for six years; the terms of service, in the first place, to be determined by lot; but after the first term, then their regular term of service shall be six years; and new elections thereof shall be made by joint resolutions of Congress; and vacancies occasioned by death, resignation or otherwise, may be filled in like manner, by joint resolution of Congress. And the said regents shall meet in the city of Washington on the first Monday of September next after the passage of this act, and organize by the election of one of their number as chancellor, who shall be the presiding officer of said board of regents, by the name of the Chancellor of the "Smithsonian Institution," and a suitable person as secretary of said institution, who shall also be the secretary of said board of regents; said board shall also elect three of their own body as an executive committee, and said regents shall then fix on the time for the regular meetings of said board; and on application of any three of the regents to the secretary of the said institution, it shall be his duty to appoint a special meeting of the

Board of Regents
constituted.

Regents to be
appointed—how
and when.

Vacancies how
filled.

When Regents
shall meet and
organize.

Chancellor.

Secretary.

Executive com-
mittee.

Regular & spe-
cial meetings.

Members of the Board to be paid their travelling expenses.

How payments are to be made.

Board shall report annually to Congress.

Regents to select site for building—when and where.

Proviso.

Description of building to be erected.

board of regents, of which he shall give notice by letter to each of the members; and at any meeting of said board, five shall constitute a quorum to do business. And each member of said board shall be paid his necessary travelling and other actual expenses in attending meetings of the board, which shall be audited by the executive committee, and recorded by the secretary of said board; but his service as regent shall be gratuitous. And whenever money is required for the payment of the debts or performance of the contracts of the institution, incurred or entered into in conformity with the provisions of this act, or for making the purchases and executing the objects authorized by this act, the board of regents, or the executive committee thereof, may certify to the chancellor and secretary of the board, that such sum of money is required; whereupon they shall examine the same, and, if they shall approve thereof, shall certify the same to the proper officer of the Treasury for payment. And the said board shall submit to Congress, at each session thereof, a report of the operations, expenditures, and condition of the institution.

§ 4. *And be it further enacted*, That, after the board of regents shall have met and become organized, it shall be their duty forthwith to proceed to select a suitable site for such building as may be necessary for the institution; which ground may be taken and appropriated out of that part of the public ground in the city of Washington lying between the Patent Office and Seventh street: *Provided*, The President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Commissioner of the Patent Office, shall consent to the same; but, if the persons last named, shall not consent, then such location may be made upon any other of the public grounds within the city of Washington, belonging to the United States, which said regents may select, by and with the consent of the persons herein named: and the said ground so selected shall be set out by proper metes and bounds, and a description of the same shall be made and recorded in a book to be provided for that purpose, and signed by the said regents, or so many of them as may be convened at the time of their said organization; and such record, or a copy thereof, certified by the chancellor and secretary of the board of regents, shall be received in evidence in all courts of the extent and boundaries of the lands appropriated to the said institution; and upon the making of such record, such site and lands shall be deemed and taken to be appropriated by force of this act to the said institution.

§ 5. *And be it further enacted*, That, so soon as the board of regents shall have selected the said site, they shall cause to be erected a suitable building, of plain and durable materials and structure, without unnecessary ornament, and of sufficient size, and with suitable rooms or halls for the reception and arrangement, upon a liberal scale, of objects of natural history, including a geological and mineralogical cabinet; also a chemical laboratory, a library, a gallery of art, and the necessary lecture

rooms; and the said board shall have authority, by themselves, or by a committee of three of their members, to contract for the completion of such building, upon such plan as may be directed by the board of regents, and shall take sufficient security for the building and finishing the same according to the said plan, and in the time stipulated in such contract; and may so locate said building, if they shall deem it proper, as in appearance to form a wing of the Patent Office building, and may so connect the same with the present hall of said Patent office building, containing the national cabinet of curiosities, as to constitute the said hall in whole or in part the deposite for the cabinet of said institution, if they deem it expedient to do so: *Provided*, said building shall be located upon said Patent Office lot, in the manner aforesaid: *Provided, however*, That the whole expense of the building and enclosures aforesaid shall not exceed the amount of ——— dollars; which sum is hereby appropriated, payable out of any money in the Treasury not otherwise appropriated, together with such sum or sums out of the annual interest accruing to the institution as may, in any year, remain unexpended, after paying the current expenses of the institution. And duplicates of all such contracts as may be made by the said board of regents shall be deposited with the Treasurer of the United States; and all claims on any contract made as aforesaid shall be allowed and certified by the board of regents, or the executive committee thereof, as the case may be, and, being signed by the chancellor and secretary of the board, shall be a sufficient voucher for settlement and payment at the Treasury of the United States. And the board of regents shall be authorized to employ such persons as they may deem necessary to superintend the erection of the buildings and fitting up the rooms of the institution. And all laws for the protection of public property in the city of Washington shall apply to, and be in force for, the protection of the lands, buildings, and other property of said institution. And all moneys recovered by, or accruing to, the institution, shall be paid into the Treasury of the United States, to the credit of the Smithsonian bequest, and separately accounted for, as provided in the act approved July first, eighteen hundred and thirty-six, accepting said bequest.

Board of Regents authorized to contract for the erection of a suitable building.

Proviso.

Duplicates of contracts to be deposited with the Treasurer.

Employment of necessary superintendents authorized.

Moneys accruing to the institution to be paid into the treasury.

All objects of art, natural history, plants, &c. belonging to the U. S. in Washington to be deposited and arranged in said building:

New specimens as obtained to be also appropriately classed and arranged.

§ 6. *And be it further enacted*, That, in proportion as suitable arrangements can be made for their reception, all objects of art and of foreign and curious research, and all objects of natural history, plants and geological and mineralogical specimens, belonging, or hereafter to belong, to the United States, which may be in the city of Washington, in whosoever custody the same may be, shall be delivered to such persons as may be authorized by the board of regents to receive them, and shall be arranged in such order, and so classed, as best facilitate the examination and study of them, in the building so as aforesaid to be erected for the institution; and the regents of said institution shall afterwards, as new specimens in natural history, geology, or mineralogy, may be obtained for the museum of the institution, by ex-

Minerals, books, &c. the property of Jas. Smithson, now in Department of State to be removed to said institution.

changes of duplicate specimens belonging to the institution, (which they are hereby authorized to make,) or by donation, which they may receive, or otherwise, cause such new specimens to be also appropriately classed and arranged. And the minerals, books, manuscripts, and other property of James Smithson, which have been received by the Government of the United States, and are now placed in the Department of State, shall be removed to said institution, and shall be preserved separate and apart from the other property of the institution.

Secretary of board shall take charge of buildings, &c. and make a record of proceedings; to have charge of library, &c. and employ assistants. Compensation of officers—removable by the board.

§ 7. *And be it further enacted*, That the Secretary of the board of regents shall take charge of the building and property of said institution, and shall, under their direction, make a fair and accurate record of all their proceedings, to be preserved by said institution; and the said secretary shall also discharge the duties of librarian and of keeper of the museum, and may, with the consent of the board of regents, employ assistants; and the said officers shall receive for their services such sum as may be allowed by the board of regents, to be paid semi-annually on the first day of January and July; and the said officers shall be removable by the board of regents whenever, in their judgment, the interests of the institution require any of the said officers to be changed.

Members and honorary members may hold stated and special meetings.

§ 8. *And be it further enacted*, That the members and honorary members of said institution may hold such stated and special meetings, for the supervision of the affairs of said institution and the advice and instruction of said board of regents, to be called in the manner provided for in the by-laws of said institution, at which the President, and in his absence the Vice President, of the United States shall preside. And the said regents shall make, from the interest of said fund, an appropriation, not exceeding an average of twenty-five thousand dollars annually, for the gradual formation of a library composed of valuable works pertaining to all departments of human knowledge.

Annual appropriation for the gradual formation of a library.

Managers authorized to dispose of unappropriated interest fund.

§ 9. *And be it further enacted*, That of any other moneys which have accrued, or shall hereafter accrue, as interest upon the said Smithsonian fund, not herein appropriated, or not required for the purposes herein provided, the said managers are hereby authorized to make such disposal as they shall deem best suited for the promotion of the purpose of the testator, any thing herein contained to the contrary notwithstanding.

Persons taking out copy rights for books, &c. to deposit a copy with Librarian of Institute, and a copy with Librarian of Congress.

§ 10. *And be it further enacted*, That the author or proprietor of any book, map, chart, musical composition, print, cut, or engraving, for which a copyright shall be secured under the existing acts of Congress, or those which shall hereafter be enacted respecting copyrights, shall, within three months from the publication of said book, map, chart, musical composition, print, cut, or engraving, deliver, or cause to be delivered, one copy of the same to the librarian of the Smithsonian Institution and one copy to the librarian of Congress Library, for the use of the said libraries.

§ 11. *And be it further enacted*, That there is reserved to

Congress the right of altering, amending, adding to, or repealing any of the provisions of this act: *Provided*, That no contract, or individual right, made or acquired under such provisions, shall be thereby divested or impaired.

Right reserved
of altering or re-
pealing this act.
Provido.

Approved, August 10th, 1846.

CHAP. 180. An act to provide for the payment of the evidences of public debt in certain cases.

§ 1. *Be it enacted, &c.* That whenever it shall appear, to the satisfaction of the Secretary of the Treasury, upon due proof taken in the manner hereinafter directed, that any treasury note which has been, before the passage of this act, received or received by any authorized officer of the government has been subsequently purloined or stolen, and put into circulation, without having upon it any evidence or marks of having been cancelled, and has been received by any person or institution, for a full consideration, in the usual course of business, without notice or knowledge of the same having been redeemed or received as aforesaid, or having been cancelled, or having been purloined or stolen as aforesaid, and without any circumstances existing to create suspicion of the good faith or due caution with which the same may have been received by such person or institution, he shall be, and hereby is, authorized to cause the amount of such note to be paid to the innocent holder thereof, out of any money in the treasury not otherwise appropriated: *Provided*, That the facts upon which any such payment shall be made shall be proved by the oath or affirmation of a credible witness or witnesses, taken before any judge of the United States, or of the highest court of record, or of the presiding judge of any court exercising unlimited jurisdiction in amount, of any State, Territory, or district, and of the taking of which testimony due notice shall previously be given to the district attorney of the United States for the district in which such testimony is taken, who shall be at liberty to appear and propound questions to such witnesses; all which evidence shall be transmitted to the Secretary of the Treasury, and preserved in his department; and all wilful false swearing upon such examination, shall be and hereby is declared to be, perjury, and liable to the punishment for that offence prescribed by the laws of the United States: *And provided further*, That a statement of all treasury notes paid under the provisions of this act, within the preceding year, shall be submitted to Congress with the annual report of the Secretary of the Treasury in relation to the finances.

Secretary of
Treasury to re-
deem treasury
notes which have
been stolen and
put into circula-
tion and not can-
celled.

Provide--nature
of evidence re-
quired to prove
the facts.

Statement to be
submitted to
Congress.

§ 2. *And be it further enacted*, That when any officer or agent of the United States, duly authorized to receive, redeem, or cancel any treasury notes issued by authority of law, has received, or shall receive, or has paid, or shall pay, any treasury note which had been previously received or redeemed by any officer or agent having authority to receive or redeem such note, and which had subsequently thereto been purloined and put into circu-

Officers and
agents of U. S.
who have or may
receive such no-
tes to be credited
with their amount.

lation, the Secretary of the Treasury, upon full and satisfactory proof that the same had been received or paid in good faith, and in the exercise of ordinary prudence, may allow a credit for the amount of such note to the officer or agent so receiving or paying the same and all credits which have, before the passage of this act, been allowed in such cases, and under such circumstances are hereby sanctioned.

Credits made to be sanctioned,

Repeal of acts supplied by this act if not acted on; if acted on, ratified and confirmed.

§ 3. *And be it further enacted*, That all acts and parts of acts heretofore enacted, which are supplied by this act, so far as the same may not have been acted on are hereby repealed, and so far as they may have been acted on, they are ratified and confirmed.

Approved, August 10th, 1846.

RESOLUTIONS.

[No. 1.] Joint Resolution for the admission of the State of Texas into the Union.

Preamble. Resolution of 1845, No. 8.

Whereas the Congress of the United States, by a joint resolution approved March the first, eighteen hundred and forty-five did consent that the territory properly included within, and rightfully belonging to, the republic of Texas, might be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said republic, by deputies in convention assembled, with the consent of the existing government, in order that the same might be admitted as one of the States of the Union; which consent of Congress was given upon certain conditions specified in the first and second sections of said joint resolution; and whereas the people of the said republic of Texas, by deputies in convention assembled, with the consent of the existing government, did adopt a constitution, and erect a new State with a republican form of government, and, in the name of the people of Texas, and by their authority, did ordain and declare that they assented to and accepted the proposals, conditions, and guarantees contained in said first and second section of said resolution: and whereas the said constitution, with the proper evidence of its adoption by the people of the republic of Texas, has been transmitted to the President of the United States and laid before Congress, in conformity to the provisions of said joint resolution: therefore,

Texas admitted into the Union.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Texas shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

To be entitled to two Representatives.

§ 2. *And be it further resolved*, That until the representatives in Congress shall be apportioned according to an actual enumeration of the inhabitants of the United States, the State of Texas shall be entitled to choose two representatives.

Approved, December 29th, 1845.

[No. 2.] Joint Resolution relative to the printing and distribution of the annual estimates.

Resolved, &c., That it shall be the duty of the Secretary of the Treasury to cause the estimates of appropriations which he is by law required to prepare and submit to Congress to be printed, and copies of the same to be delivered to the clerk of the House of Representatives, in time for distribution at the commencement of each session; and that the clerk distribute the said estimates in the manner in which documents printed by Congress are directed to be distributed. *Approved, January 7th, 1846.*

Estimates of appropriations to be printed.

[No. 3.] A Resolution to authorize the transmission and presentation of books to the minister of justice of France in exchange for books received from him.

Resolved, &c., That the librarian of Congress be, and he hereby is, authorized and directed to procure a complete series of reports of all the decisions of the Supreme Court of the United States, and of the circuit and district courts thereof, which have been heretofore published; as also a complete copy of the public statutes at large of the United States, now being edited by Richard Peters, esq. by authority of Congress, the whole to be uniformly bound and lettered; and to cause the same, under the direction of the chief justice of the said Supreme Court, to be transmitted and presented to the minister of justice of France, in return and exchange for works of French law heretofore presented by the minister to the Supreme Court aforesaid.

Librarian of Congress authorized to procure a complete series of reports of Sup. Court and Circuit and District Courts, and transmit them to minister of Justice of France.

§ 2. *And be it further resolved,* That for the purpose aforesaid there be appropriated out of any money in the treasury not otherwise appropriated a sum not exceeding five hundred dollars.

Appropriation.

Approved, March 4th, 1846.

[No. 4.] Joint Resolution concerning the Oregon Territory.

Whereas by the convention concluded the twentieth day of October, eighteen hundred and eighteen, between the United States of America and the King of the United Kingdom of Great Britain and Ireland, for the period of ten years, and afterwards indefinitely extended and continued in force by another convention of the same parties concluded the sixth day of August, in the year of our Lord one thousand eight hundred and twenty-seven, it was agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony or Rocky mountains, now commonly called the Oregon territory, should, together with its harbors, bays and creeks, and the navigation of all rivers within the same, be, "free and open" to the vessels, citizens, and subjects of the two powers; but without prejudice to any claim which either of the parties might have to any part of said country; and with this further provision in the second article of the said convention of the sixth of August, eighteen hundred and twenty-seven, that either party might abrogate and annul said convention on giving due notice of twelve months to the other contracting party:

Preamble.

And whereas it has now become desirable that the respective claims of the United States and Great Britain should be definitely settled, and that said territory may no longer than need be, remain subject to the evil consequences of the divided allegiance of its American and British population, and of the confusion and conflict of national jurisdictions, dangerous to the cherished peace and good understanding of the two countries:

With a view, therefore, that steps be taken for the abrogation of the said convention of the sixth of August, eighteen hundred and twenty-seven, in the mode prescribed in its second article, and that the attention of the governments of both countries may be the more earnestly directed to the adoption of all proper measures for a speedy and amicable adjustment of the differences and disputes in regard to the said territory:

President authorized to give the Government of Great Britain the notice required by 2d article of convention of Aug. 6, 1837, for the abrogation of the same.

Resolved, &c., That the President of the United States be, and he is hereby, authorized, at his discretion, to give to the government of Great Britain the notice required by the second article of the said convention of the sixth of August, eighteen hundred and twenty-seven, for the abrogation of the same.

Approved, April 27th, 1846.

[No 9.] A Resolution in relation to the issuing of grants of certain lands in Louisiana.

Attorney General to examine evidences of title in the case of the Houma land claim, and report to President; who shall cause proceedings to be instituted to try the validity of any patents supposed to be issued contrary to law.

Resolved, &c., That the Attorney General of the United States be, and he is hereby, directed to examine the evidences of title in the case of a certain Spanish land claim in the State of Louisiana, lying on the Mississippi, above New Orleans, commonly known as the Houma claim, and to report his opinion thereon to the President of the United States; and if, in the opinion of the Attorney General, any patent or patents issued, or which may be issued under such claim, shall have been, or shall be, issued contrary to law, that the President of the United States be, and he is hereby, requested to cause proceedings to be instituted in behalf of the United States, and to have the validity of such patent or patents judicially determined.

Approved, June 26th, 1846.

Resolution of 1846, No. 5.

[No. 10.] A Resolution supplementary to the resolution of February twentieth, eighteen hundred and forty-five, for distributing the works of the Exploring Expedition.

One copy of the works of Exploring Expedition to be presented to state of Florida and one copy to each new State hereafter.

Resolved, &c., That of the thirty-seven copies of the narrative and scientific works of the Exploring Expedition, deposited, and to be deposited, in the Library of Congress, one copy shall be presented to the State of Florida; and whenever any new State shall be admitted into the Union, one copy of said works shall be presented to such State.

Approved, July 15th, 1846.

[No. 11.] A Joint Resolution presenting the thanks of Congress to Major General Taylor, his officers and men.

Resolved, &c., That the thanks of Congress are due, and are

hereby tendered, to Major General Zachary Taylor, commanding the army of occupation, his officers and men, for the fortitude, skill, enterprise, and courage which have distinguished the recent brilliant operations on the Rio Grande.

Thanks of Congress presented to Maj. General Taylor, his officers and men.

And be it further resolved, That Congress sincerely sympathize with the relatives and friends of the officers and soldiers of the army of the United States who so bravely fell in the service of their country on the Rio Grande.

Sympathy of Congress with the relatives and friends of those who fell in battle.

And be it further resolved, That the President of the United States be requested to cause the foregoing resolutions to be communicated to General Taylor, and through him to the army under his command.

The foregoing resolutions to be communicated to Gen. Taylor, and through him to the army.

And be it further resolved, That the President of the United States be authorized and requested to have a medal of gold procured, with appropriate devices and inscriptions thereon, and presented to General Taylor, in the name of the Republic, as a tribute due to his good conduct, valor, and generosity to the vanquished. *Approved, July 16th, 1846.*

President authorized to cause a gold medal to be presented to Gen. Taylor in the name of the Republic.

[No 12.] A Joint Resolution to refund to States and individuals expenses incurred by them under calls for militia and volunteers made by Generals Gaines and Taylor.

Be it Resolved, &c. That the Secretary of War be, and he is hereby, authorized and required to refund, out of the appropriation made by the "act providing for the prosecution of the existing war between the United States and the Republic of Mexico," approved the thirteenth of May, one thousand eight hundred and forty-six, to the Governors of the several States called upon by General Taylor and General Gaines for volunteers and militia, and also to individuals, the amount of the expenses incurred by said States and individuals, in fitting out and preparing said volunteers or militia to join the army under the command of General Taylor, to be settled upon just and equitable principles.

Secretary of War authorized to refund to States and individuals amount of expenses incurred in fitting out volunteers called out by Gen. Gaines and Taylor.

Approved, July 16th, 1846.

[No. 14.] A Resolution regulating the printing of Congress, and establishing the compensation for the same.

Resolved, &c., That from and after the passage of this resolution, the printing of the two houses of Congress shall be subject to the following regulations: When any message, report, or document, communicated to both houses of Congress, shall be ordered to be printed by the Senate, the secretary shall ascertain whether the same has been previously ordered to be printed by the House of Representatives; and if so, the copies ordered by the Senate shall be supplied by the printer to the House of Representatives, for which there shall be no charge for composition; and if any such message, report, or document shall be ordered to be printed by the House of Representatives, it shall be the duty of the clerk to ascertain whether the same has been previously ordered to be printed by the Senate; and if so, the copies ordered by the House shall be furnished by the printer to the

Regulation for the printing of the two Houses of Congress.

Proviso—documents that may have been printed may again be put in type in certain cases.

Rate of compensation.

How maps and charts may be obtained.

Expenses for printing—how paid.

Senate, and no charge for composition shall be allowed therefor; and should an additional number of copies of any such document be ordered by either House, they shall be furnished by the printer to the House which first ordered the printing of the document, and for which no compensation for composition shall be allowed:

Provided, however, That if, for the purpose of despatch, or any other cause, it shall be necessary to fulfil any order for printing of either house, of any document which had been previously ordered to be printed, the committee on contingent expenses of the house making such order may direct that such document be again composed, or put into type; in which case composition shall be charged and allowed. And from the commencement of the present session of Congress all printing ordered by either house of Congress, where the number of copies do not exceed five thousand, shall be paid for at a rate of compensation not exceeding twenty per centum less than the rates fixed and established by the joint resolution of eighteen hundred and nineteen; and when the number of copies shall exceed five thousand, the compensation shall not exceed thirty-three and one-third per centum less than the rates allowed by the said joint resolution of eighteen hundred and nineteen. And when the committee on contingent expenses of either house shall direct a second composition, to execute any order for printing, the printing shall be done by the printer to the house making such order; and when any order for printing requires maps or charts, the same shall be obtained under the direction of the committee on contingent expenses of the house making such order and all expenses for printing shall be paid from the contingent fund of the two houses, each house paying for the printing ordered by it, except the expense of composition, which shall be paid by the house which first ordered the document or paper to be printed; and if there shall be a second composition, it shall be paid for by the house whose committee on contingent expenses shall authorize and direct the same; and when extra copies of any document shall be ordered by both houses, and the same are executed by the same printer, the copies shall be delivered to the two houses simultaneously, in proportion to the whole number of copies which the houses have respectively ordered.

Approved, July 23d, 1846.

[No 16.] Joint Resolution directing the manner of procuring the printing for the two houses of Congress.

Secretary of Senate & Clerk of House to advertise for proposals for printing.

What the advertisement shall contain.

Resolved, &c., That the Secretary of the Senate and Clerk of the House of Representatives be and they are hereby, authorized and required, at the beginning of the final session of every Congress, to advertise for four weeks successively, in all the newspapers published in the city of Washington, for sealed proposals for supplying the Senate and House of Representatives respectively, of the next ensuing Congress, with the necessary printing for each; which advertisement shall describe the kind of printing and the quality of paper required, as near as may be,

in the execution of the work ; and said advertisement shall divide and classify the printing of the respective houses, as follows : One of bills and resolutions ; one of reports of committees ; one of journals ; one of executive documents ; and one for every other description of printing ; each class to be a separate job, and to be provided for by separate contract. The said advertisement shall also contain a designation of the place in the said city of Washington where such sealed proposals shall be received, and the day and time of day at which said secretary and clerk will cease to receive any further proposals. And the secretary and clerk aforesaid shall provide suitable samples of the printing required, and of the paper on which the same is to be executed, to be kept at the place so designated as aforesaid at least twenty days successively before the time of receiving proposals shall expire, open to the inspection of all persons desiring to make proposals for the printing aforesaid, intelligence whereof shall be contained in said advertisement. Immediately on the expiration of the time for receiving said proposals, they shall be opened by the secretary and clerk aforesaid in the presence of the Vice President, or President of the Senate, and the Speaker of the House of Representatives, and of such persons making proposals as may wish to be present. And the Secretary of the Senate, under the supervision of the Vice President or President of the Senate, and the Clerk of the House of Representatives, under the supervision of the Speaker, shall thereupon, let each class of said printing to the lowest bidder, who shall furnish satisfactory evidence of his practical skill and his ability to do the work, and who shall offer good and sufficient security for the faithful execution of the jobs and contracts undertaken by him. And thereupon the Vice President or President of the Senate and its secretary, and the Speaker of the House and its clerk, shall proceed to take bonds, with good and sufficient security, for the due and faithful performance of the work ; and the officers aforesaid shall immediately thereafter report to their respective houses all such lettings of printing, and the contracts relating to the same : *Provided*, That the said proposals shall remain sealed until the time appointed for examining the same.

§. 2. *And be it further resolved*, That a committee, consisting of three members of the Senate and three members of the House of Representatives, shall be chosen by their respective Houses, which shall constitute a committee on printing, which shall have power to adopt such measures as may be deemed necessary to remedy any neglect or delay on the part of the contractor to execute the work ordered by Congress, and to make a pro rata reduction in the compensation allowed, or to refuse the work altogether, should it be inferior to the standard ; and in all cases, the contractor and his securities shall be responsible for any increased expenditure consequent upon the non-performance of the contract. The committee shall audit and pass upon all accounts for printing ; but no bill shall be acted upon for work that is not

Samples of the printing required to be provided and exhibited.

When and how proposals shall be opened.

Each class of printing to be let to the lowest bidder, &c.

Bonds and sufficient security to be taken.

All lettings of printing to be reported to the two Houses. *Provido.*

Joint Committee on Printing to be chosen.

Their duties and powers.

actually executed and delivered, and which they may require to be properly authenticated.

Motions for printing extra numbers to be referred to committee of House where made.

Expenses for printing—how paid.

Extra copies.

§ 3. *And be it further resolved*, That all motions to print extra numbers of any bill, paper, or document, in either house, shall be referred to the members of the committee of that house who shall report upon the propriety of printing, and the probable expense thereof, as early as convenient. And all expenses for printing shall be paid from the contingent fund of the two Houses, in proportion to the number of copies ordered by each, except the expense of composition, which shall be paid by the house which shall have first ordered the printing of the paper or document; and if there shall be a second composition, it shall be paid for by the house which shall authorize and direct the same; and when extra copies of any document or paper shall be ordered by both houses, they shall be delivered to the two houses simultaneously, in proportion to the number of copies by them respectively ordered.

Repeal of laws inconsistent with this resolution.

§ 4. *And be it further resolved*, That all laws and parts of laws now in force, not in conformity with the provisions of this joint resolution, be, and the same are hereby, repealed.

Approved, August 3d, 1846.

[No. 20.] Joint Resolution directing the payment of certain volunteers and militia, under the limitations therein prescribed.

Certain volunteers called out and received into service under orders of Gen. Gaines to be paid out of the appropriation in act of May 13, 1846.

Resolved, &c., That the Secretary of War be, and he is hereby, authorized and required to cause to be paid, out of the appropriation made by the act providing for the prosecution of the existing war between the United States of America and the Republic of Mexico, approved the thirteenth day of May, one thousand eight hundred and forty-six, to the volunteers and militia, called and actually received by virtue of the orders of General E. P. Gaines into the service of the United States during the present year, and discharged before joining the army, and such companies as were actually organized and rendezvoused under said call, including the two companies of Major Gally's command, and the company at Baton Rouge arsenal; and also the company of Mississippi volunteers, (Natchez Fencibles,) and also the company of Mississippi volunteers, (Pontotoc Rovers,) organized and assembled at Vicksburg, and afterwards disbanded or discharged, and the companies of Ohio volunteers assembled at camp Washington, near Cincinnati, and who claim to have been mustered into service, one day's pay and allowances for every day detained in service, and the usual travelling allowances, and no more. And further, that where States or individuals have paid the expenses or provided the means of transportation of volunteers to the place of rendezvous, and furnished subsistence or clothing, the proportional amount thus furnished to each man, not exceeding the legal allowance to each, may be charged on the pay rolls, and withheld and paid to the State or individual who actually provided the same. And further, that

Where individuals or States have paid expenses or provided transportation, &c. how to be refunded.

When surgeons and assistant surgeons have attended regiments of volunteers to the time when medical officers, duly appointed by the United States, entered upon their duties with said regiments, they may receive the same rate of compensation, and to a like number as provided for by law; and persons doing the duties of assistant quartermasters and assistant commissaries, under like circumstances, may in like manner, receive the same rate of compensation, and to a like number, as authorized by existing law. *Approved, August 8th, 1847.*

Compensation
of surgeons and
assistant surgeons
—and of assistant
quartermasters
and commissaries.

[No. 23.] A Resolution appointing regents of the Smithsonian institution.

Resolved, &c., That Rufus Choate, of Massachusetts, Gideon Hawley, of New York, Richard Rush, of Pennsylvania, William C. Preston, of South Carolina, and Alexander Dallas Bache and Joseph G. Totton, residents of the city of Washington, be, and the same are hereby, appointed regents of the Smithsonian Institution, in accordance with the provisions of the act establishing said institution. *Approved, August 10th, 1846.*

Regents of the
Smithsonian In-
stitution.

OF

THE UNITED STATES ;

Passed at the Second Session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the seventh day of December, one thousand eight hundred and forty-six.

JAMES K. POLK, President. GEORGE M. DALLAS, Vice President.
JOHN W. DAVIS, Speaker of the House of Representatives.

CHAP. 189. An act for the admission of the State of Iowa into the Union.

Preamble:
Act of 1850, c.
48, ante p. 8057.

Ante c., 82.

The State of
Iowa admitted
into the Union.

The provisions
of the act of Mar.
3, 1846, to contin-
ue and remain in
full force.

Whereas the people of the Territory of Iowa did, on the eighteenth day of May, anno Domini eighteen hundred and forty-six, by a convention of delegates called and assembled for that purpose, form for themselves a constitution and State government—which constitution is republican in its character and features—and said convention has asked admission of the said Territory into the Union as a State, on an equal footing with the original States, in obedience to “An act for the admission of the States of Iowa and Florida into the Union,” approved March third, eighteen hundred and forty-five, and “An act to define the boundaries of the State of Iowa, and to repeal so much of the act of the third of March, one thousand eight hundred and forty-five, as relates to the boundaries of Iowa,” which said last act was approved August fourth, anno Domini eighteen hundred and forty-six : Therefore,

§ 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the State of Iowa shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatsoever.

§ 2. *And be it further enacted,* That all the provisions of “An act supplemental to the act for the admission of the States of Iowa and Florida into the Union,” approved march third, eighteen hundred and forty-five, be, and the same are hereby, declared to continue and remain in full force as applicable to the State of Iowa, as hereby admitted and received into the Union.

Approved, December 28th, 1846.

CHAP. 190. An act to encourage enlistments in the regular army.

§ 1. *Be it enacted, &c.*, That, during the continuance of the war with Mexico, the term of enlistment of the men to be recruited for the regiments of dragoons, artillery, infantry, and riflemen of the present military establishment, shall "be during the war," or five years, at the option of the recruit, unless sooner discharged.

§ 2. *And be it further enacted*, That there shall be allowed and paid to every able-bodied man who shall be duly enlisted to serve in the artillery or infantry for the term of five years, or during the war, a bounty of twelve dollars; but the payment of six dollars of the said bounty shall be deferred until the recruit shall have joined for duty the regiment in which he is to serve.

Approved, January 12th, 1847.

CHAP. 191. An act declaring the assent of Congress to certain States to impose a tax upon all lands hereafter sold by the United States therein, from and after the day of such sale.

§ 1. *Be it enacted, &c.*, That the assent of Congress is hereby given to the several States admitted into the Union prior to the twenty-fourth day of April, in the year of our Lord one thousand eight hundred and twenty, to impose a tax or taxes upon all lands hereafter sold by the United States, in said States, from and after the day of such sale: *Provided*, That the assent hereby given shall in nowise impair that provision of the compact with the said States which declares that all lands belonging to citizens of the United States residing without the said States shall never be taxed higher than lands belonging to persons residing therein.

Approved, January 26th, 1847.

CHAP. 193. An act authorizing the issue of Treasury notes, a loan, and for other purposes.

§ 1. *Be it enacted, &c.* That the President of the United States is hereby authorized to cause Treasury notes for such sum or sums as the exigencies of the Government may require, but not exceeding in the whole amount of notes issued the sum of twenty-three millions of dollars, and of denominations not less than fifty dollars for any one note, to be prepared, signed, and issued in the manner hereinafter provided.

§ 2. *And be it further enacted*, That the said Treasury notes authorized to be issued by the first section of this act shall be reimbursed and redeemed by the United States, at the Treasury thereof, after the expiration of one year or two years from the dates of said notes respectively; from which said dates they shall bear such interest, until they shall be respectively redeemed, as shall be expressed upon the face of said notes; which rate of interest upon each several issue of said notes shall be fixed by the Secretary of the Treasury, by and with the advice and approbation of the President; but shall in no case exceed the rate of interest of six per centum per annum: *Provided*, That, after the matu-

rity of any of the said notes, such interest shall cease at the expiration of sixty days' notice, to be given at any time by the Secretary of the Treasury, in one or more of the principal papers published at the seat of Government, of a readiness to redeem the same. The reimbursement herein provided for shall be made at the Treasury of the United States to the holders of the said notes respectively, upon presentment, and shall include the principal of each note, and the interest which may be due thereon at the time of payment. For this reimbursement, at the time and times herein specified, the faith of the United States is hereby solemnly pledged.

How such notes shall be prepared and accounted for.

§ 3. *And be it further enacted*, That the said Treasury notes shall be prepared under the direction of the Secretary of the Treasury, and shall be signed, on behalf of the United States, by the treasurer thereof, and countersigned by the Register of the Treasury; and that those officers respectively shall, as checks upon each other and to secure the public safety, keep separate, full, and accurate accounts of the number, date, denomination, and amount of all the notes signed and countersigned by them respectively; which said account shall be entered in a book or books, to be provided for that purpose, and carefully preserved in the Treasury Department; and also similar accounts, kept and preserved in the same manner, of all the said notes redeemed, as the same shall be returned and cancelled; and the Treasurer shall further account, quarterly, for all such notes delivered to him for signature or issue by the Register. The Treasurer and Register of the Treasury are hereby authorized, by and with the consent and approbation of the Secretary of the Treasury, to employ such additional temporary clerks as the duties enjoined upon them by this act may render necessary: *Provided*, Said number shall not exceed five, and with a salary of not more than at the rate of twelve hundred dollars to each per annum.

Treasurer and Register authorized to employ additional temporary clerks.

proviso,

A portion of such notes may be issued in payment of debts due by the United States; and money may be borrowed on their credit,

§ 4. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized, with the approbation of the President of the United States, to cause to be issued such portion of the said Treasury notes as the President may think expedient in payment of debts due by the United States, to such public creditors, or other persons, as may choose to receive such notes in payment as aforesaid, at par. And the Secretary of the Treasury is further authorized, with the approbation of the President of the United States, to borrow from time to time such sums as the President may think expedient on the credit of such notes: *Provided, however*, That no Treasury notes shall be pledged, hypothecated, sold, or disposed of in anywise, for any purpose whatever, directly or indirectly, for any sum less than the amount of such notes, including the principal and interest thereon, when disposed of.

proviso.

How transferable.

§ 5. *And be it further enacted*, That the said Treasury notes shall be transferable, by delivery and assignment endorsed thereon, by the person to whose order the same shall on the face thereof have been made payable,

§ 6. *And be it further enacted*, That the said Treasury notes shall be received in payment of all duties and taxes laid by the authority of the United States, of all public lands sold by the said authority, and of all debts to the United States of any character whatsoever, which may be due and payable at the time when said Treasury notes may be so offered in payment; and on every such payment credit shall be given for the amount of the principal and interest which, on the day of such payment, may be due on the note or notes thus given in payment.

To be received in payment of all duties, taxes, &c. due the United States.

§ 7. *And be it further enacted*, That every collector, receiver of public moneys, or other officer or agent of the United States shall, on the receipt of any Treasury notes in payment for the Government, take from the holder thereof a receipt on the back of each of said notes, stating distinctly the date and the amount received, and shall keep, according to such forms as shall be prescribed by the Secretary of the Treasury, entries of whom received, the number, date, and respective amounts of principal and interest of each and every Treasury note thus received; and, on delivering the same to the Treasury, shall receive credit for the amount paid, as prescribed by the last section, provided no error shall appear.

How Collectors and Receivers of public moneys shall receive such notes in payments to the Government and account for the same.

§ 8. *And be it further enacted*, That the Secretary of the Treasury be and he is hereby authorized and directed to cause to be reimbursed and paid the principal and interest of the Treasury notes which may be issued by virtue of this act, at the several time and times when the same, according to the provisions of this act, should be thus reimbursed and paid. And the said Secretary is further authorized to make purchases of the said notes at par for the amount of the principal and interest due at the time of purchase on such notes. And so much of unappropriated money in the Treasury as may be necessary for that purpose is hereby appropriated for paying the principal and interest of said notes.

How and when such notes are to be reimbursed and paid.

Secretary of the Treasury may purchase such notes.

§ 9. *And be it further enacted*, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting, any note in imitation of, or purporting to be, a Treasury note aforesaid; or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering, any Treasury note issued as aforesaid; or shall pass, utter, or publish, or attempt to pass, utter, or publish as true, any false, forged, or counterfeited note, purporting to be a Treasury note as aforesaid, knowing the same to be falsely forged or counterfeited; or shall pass, utter, or publish as true, any falsely altered Treasury note issued as aforesaid, knowing the same to be falsely altered, every such person shall be deemed and adjudged guilty of felony; and, being thereof convicted, by due course of law, shall be sentenced to be imprisoned and kept at hard labor for a period not less than three years nor more than ten years, and to be fined in a sum not exceeding five thousand dollars.

Penalty for forging & counterfeiting.

Penalty for making or engraving any metallic plate, &c., with intent to use the same in forging or counterfeiting.

§ 10. *And be it further enacted*, That, if any person shall make or engrave, or cause or procure to be made or engraved, or shall have in his custody or possession any metallic plate engraved after the similitude of any plate from which any notes issued as aforesaid shall have been printed, with intent to use such plate or cause or suffer the same to be used, in forging or counterfeiting any of the notes issued as aforesaid, or shall have in his custody or possession any blank note or notes, engraved and printed after the similitude of any notes issued as aforesaid, with intent to use such blanks, or cause or suffer the same to be used in forging or counterfeiting any of the notes issued as aforesaid, or shall have in his custody or possession any paper adapted to the making of notes, and similar to the paper upon which any such notes shall have been issued, with intent to use such paper, or cause or suffer the same to be used, in forging or counterfeiting any of the notes issued as aforesaid, every such person, being thereof convicted by due course of law, shall be sentenced to be imprisoned, and kept to hard labor, for a term not less than three nor more than ten years, and fined in a sum not exceeding five thousand dollars.

The Sec'y of the Treasury authorized to make & issue instructions, rules, &c., to collectors, receivers of the public money, &c., in regard to the safe keeping, disposition, return, & cancelling of notes.

§ 11. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to make and issue, from time to time, such instructions, rules, and regulations to the several collectors, receivers of public money, depositaries, and all others who may be authorized to receive the said Treasury notes on behalf of, and as agents in any capacity for the United States, as to the safekeeping, disposition, return, and cancelling of the said notes so paid to and received by them, respectively, and as to their accounts and returns to the Department of such receipts, as may seem to him best calculated to promote the public interests and convenience, and secure the United States and the holders of the notes against fraud and losses.

Other notes may be issued in lieu of notes redeemed.
Proviso.

§ 12. *And be it further enacted*, That, in lieu of the notes authorized by this act, which may be redeemed, other notes may be issued: *Provided, however*, The amount of such notes outstanding, together with the stock issued by virtue of the thirteenth and sixteenth sections of this act, shall not exceed the sum of twenty-three millions of dollars.

Holders of notes may present them at any time, & receive therefor certificates of funded stock.

§ 13. *And be it further enacted*, That it shall be lawful for the holders of the aforesaid Treasury notes to present them at any time to the Treasury of the United States, or to any assistant treasurer, or to such collectors of the customs and receivers of public moneys as may be designated by the Secretary of the Treasury; and the holders of the said Treasury notes shall be entitled to receive therefor the amount of the principal of the said notes in a certificate or certificates of funded stock, bearing interest at six per centum per annum, from the date of such presentment of said Treasury notes, and for the interest shall be paid in money; and the stock thus to be issued shall be transferable on the books of the Treasury: *Provided, however, and be it further enacted*, That it shall be lawful for the United States

Proviso.

to reimburse the stock thus created at any time after the last day of December, one thousand eight hundred and sixty-seven.

§ 14. *And be it further enacted*, That it shall and may be lawful for the holder of any Treasury notes issued, or authorized to be issued, under this act or any laws heretofore passed, to convert the same into certificates of funded stock, upon the same terms and in the same manner hereinbefore provided in relation to the Treasury notes authorized by the first section of this act.

Holders of Treasury notes issued under this or any former act may convert the same into certificates of funded stock.

§ 15. *And be it further enacted*, That the authority to issue Treasury notes authorized by the "Act authorizing an issue of Treasury notes and a loan," approved July twenty-second, one thousand eight hundred and forty-six, be, and the same is hereby, extended to the same period fixed for the Treasury notes authorized by this act, and upon the same terms and conditions herein specified: *Provided*, That the Treasury notes authorized by this section shall not exceed five millions of dollars.

The authority to issue Treasury notes in the act of July 22d, 1846, extended to the same period fixed for the notes authorized by this act.

Provide.

§ 16. *And be it further enacted*, That the President, if in his opinion it shall be the interest of the United States so to do, instead of issuing the whole amount of Treasury notes authorized by the first section of this act, may borrow, on the credit of the United States, such an amount of money as he may deem proper, and issue therefor stock of the United States bearing interest at a rate not exceeding six per centum per annum for the sum thus borrowed, redeemable after thirty-first December, eighteen hundred and sixty-seven: *Provided, however*, That the sum so borrowed, together with the Treasury notes issued under the first and twelfth sections of this act outstanding, and the stock created by this and the thirteenth section of this act, shall not in the whole exceed the sum of twenty-three millions of dollars: *And provided further*, That no stock shall be issued at a less rate than par.

The President may, instead of issuing the whole amount of notes authorized by the 1st sec. of this act, borrow such amount of money as he may deem proper.

Provide,

§ 17. *And be it further enacted*, That the interest on the stock created by this act shall be payable semi-annually on the first days of January and July in each year.

Interest on stock when payable.

§ 18. *And be it further enacted*, That the certificates of stock to be issued under this act shall be signed by the Register of the Treasury, and the Secretary of the Treasury shall cause each of said certificates to be sealed with the seal of his Department.

How certificates of stock are to be signed and sealed.

§ 19. *And be it further enacted*, That for the payment of the stock which may be created under the provisions of this act, the sales of the public lands are hereby pledged; and it is hereby made the duty of the Secretary of the Treasury to use and apply all moneys which may be received into the Treasury for the sales of the public lands after the first day of January, eighteen hundred and forty-eight, first, to pay the interest on all stocks issued by virtue of this act; and, secondly, to use the balance of said receipts, after paying the interest aforesaid, in the purchase of said stocks at their market value, provided no more than par shall be paid for said stocks.

Payment of the stocks issued by virtue of this act how secured.

§ 20. *And be it further enacted*, That a sum not exceeding

Appropriation
for preparing,
printing, engrav-
ing, &c.

Proviso.

The Sec'y of the
Treasury to cause
monthly state-
ments to be pub-
lished.

When the pow-
er to issue such
notes shall cease.

The Sec'y of the
Treasury to report
to Congress, at
each session, the
amount of notes
issued, redeem-
ed, purchased,
&c.

twenty thousand dollars, to be paid out of any unappropriated money in the Treasury, be, and the same is hereby appropriated, for defraying the expense of preparing, printing, engraving, and otherwise incident to the issuing of the Treasury notes and stock authorized by this act: *Provided*, That no compensation shall be made to any officer whose salary is fixed by law, for preparing, signing, or issuing Treasury notes, or certificates of stock.

§ 21. *And be it further enacted*, That it shall be, and hereby is, made the duty of the Secretary of the Treasury to cause a statement to be published monthly of the amount of all Treasury notes issued or redeemed in pursuance of the provisions of this act; and that the power to issue Treasury notes, conferred on the President of the United States by this act, shall cease and determine six months after the exchange and ratification of a treaty of peace with the Republic of Mexico.

§ 22. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to report to Congress at the commencement of each session the amount of Treasury notes which have been issued under the provisions of this act; the amount redeemed, and the manner in which redeemed; the amount purchased, and of whom, and at what time purchased; and the amount reissued, stating in lieu of which redemption they are reissued, with the date of such reissue, during the preceding year. *Approved, January 28th, 1847.*

CHAP. 194. An act to provide for the establishment of additional post routes in the State of Texas.

Additional post
routes establish-
ed,

§ 1. *Be it enacted, &c.*, That the following additional post routes be established in the State of Texas:

From Sabine city, via Beaumont, Jasper L. Norvill's, and J. Kendrick's, to San Augustine.

From Lyons Post Office, in Louisiana, via Salem and Patillos, to Beaumont.

From Alexandria, Louisiana, via Burr's Ferry, on the Sabine river, and the county site of Newton, to Jasper.

From Nacogdoches, via county site of Angelina, to county site of Tyler.

From Sabine town, via Pendleton and Hamilton, to Shelbyville.

From Crockett to Palestine.

From Shelbyville, via Henderson, to the county site of Smith.

From Shelbyville, via Colonel H. C. Ashton's, Logansport, and McMillen's, to Pulaski.

From Greenwood, Louisiana, via Sheenick's Ferry and River's Landing, to Moore's Post Office, and from Shreevesport, via Port Caddo, to Jefferson, in Cass County.

From Nacogdoches, via county site of Cherokee, Anglin's, Palestine, and the county site of Henderson, to Dallas.

From Jefferson, in Cass county, via the county site of Cass;

via Dangerfield, the county site of Titus, (Mount Pleasant,) the county site of Hopkins, (Tarrant,) and the county site of Hunt to Dallas.

From Bonham, via Warren, to county site of Grayson, (Sherman,) and from Sherman, via Pinckneysville, to Stewartville; and the existing route from Bonham to Dallas shall be so changed as to pass through Buckner, Stewartville, and Cedar Spring.

From Marshall, via county site of Upshur and the county site of Henderson, to Buffalo, on the Trinity.

From county site of Upshur, via county site of Titus, to Clarksville, and from Paris to Tarrant.

From county site of Cherokee, via the "Saline (Neches)" and the county site of Smith, to county site of Upshur.

From Galveston to Sabine Pass.

From Houston, via Linchburg and Cedar Bayou to Liberty.

From Austin, via San Marco and New Braunfels, to San Antonio.

From La Grange, via Lyons, Chaudoin's, Hallett's, Peterborough, and Shibblings' Mills, to Victoria.

From Gonzales, via Cuero and Victoria, to Port La Bacca.

From Port La Bacca, via Indian Point and Port Caballo, to Matagorda.

From Galveston, via Springfield and Shelton's, to Chamber's Creek.

From Victoria, via Goliad, Refugio, and San Patricio, to Corpus Christi.

From Brasos Santiago, via Point Isabel, to Fort Brown:

From Corpus Christi to Brasos Santiago.

From Austin to Fredericksburg.

From San Antonio to Castroville.

§ 2. Whereas the following routes have been put in operation by the agent, under a misconception of the law, viz: from Crockett to Fort Houston; from Columbia, via Hinds, Liverpool, and Parker's Point to Galveston; from Port La Bacca, via Victoria and Cuero, to Gonzales; from Matagorda to Port Caballo; from Port Caballo, to Port La Bacca, *Be it further enacted*, That they are hereby legalized by this act up to the time the new routes established by this act go into operation, when they shall cease. *Approved, February 2d, 1847.*

Certain routes
legalized.

CHAP. 195. An act to provide for the payment of any interest falling due on the public debt:

§ 1. *Be it enacted, &c.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be paid, out of any money in the Treasury not otherwise appropriated, any interest falling due or accruing on, any portion of the public debt authorized by law. *Approved, February 9th, 1847.*

Payment provided for any interest falling due on the public debt.

CHAP. 196. An act to raise, for a limited time, an additional military force, and for other purposes.

One regiment of dragoons and nine regiments of infantry to be raised.

§ 1. *Be it enacted, &c.,* That in addition to the present military establishment of the United States, there shall be raised and organized, under the direction of the President, for and during the war with Mexico, one regiment of dragoons and nine regiments of infantry, each to be composed of the same number and rank of commissioned and non-commissioned officers, buglers, musicians and privates, &c., as are provided for a regiment of dragoons and infantry respectively, under existing laws, and who shall receive the same pay, rations, and allowances, according to their respective grades, and be subject to the same regulations, and to the rules and articles of war: *Provided,* That it shall be lawful for the President of the United States alone to appoint such of the commissioned officers authorized by this act below the grade of field officers, as may not be appointed during the present session: *Provided,* That one or more of the regiments of infantry authorized to be raised by this section may, at the discretion of the President, be organized and equipped as voltiguers, and as foot riflemen, and be provided with a rocket and mountain howitzer battery.

Previous.

Term of enlistment.

§ 2. *And be it further enacted,* That during the continuance of the war with Mexico, the term of enlistment of the men to be recruited for the regiments authorized by this act, shall be during the war, unless sooner discharged.

One additional major to each regiment authorized.

§ 3. *And be it further enacted,* That the President of the United States, be, and he is hereby authorized, by and with the advice and consent of the Senate, to appoint one additional major to each of the regiments of dragoons, artillery, infantry, and riflemen, in the army of the United States, who shall be taken from the captains of the army.

A regimental quartermaster allowed to each regiment.

§ 4. *And be it further enacted,* That to each of the regiments of dragoons, artillery, infantry, and riflemen, there shall be allowed a regimental quartermaster, to be taken from the subalterns of the line, who shall be allowed ten dollars additional pay per month, and forage for two horses.

The officers & privates authorized by this act to be discharged at the close of the war.

§ 5. *And be it further enacted,* That the said officers, musicians, and privates, authorized by this act, shall immediately be discharged from the service of the United States at the close of the war with Mexico.

One surgeon & two assistant surgeons allowed to each regiment.

§ 6. *And be it further enacted,* That it shall and may be lawful for the President of the United States, by and with the advice and consent of the Senate, to appoint one surgeon and two assistant surgeons to each regiment raised under this act.

Chaplain, how to be appointed.

§ 7. *And be it further enacted,* That during the war with Mexico it shall be lawful for the Officers composing the councils of administration of the several regiments constituting a brigade, either regular or volunteer, in the service of the United States, to employ some proper person to officiate as chaplain to such brigade, and the person so employed shall upon the certificate of

the commander of the brigade, receive for his services seven hundred and fifty dollars, one ration, and forage for one horse, per annum, provided that the chaplains now attached to the regular army, and stationed at different military posts may, at the discretion of the Secretary of War, be required to repair to the army in Mexico, whenever a majority of the men at the posts where they are respectively stationed shall have left them for service in the field; and should any of said chaplains refuse or decline to do this, when ordered so to do by the adjutant general, the office of such chaplain shall be deemed vacant, and the pay and emoluments thereof be stopped.

Their pay and allowances.

Chaplains at the different posts may be required to repair to the army in Mexico.

§ 8. *And be it further enacted*, That the President be, and he is hereby authorized, by and with the advice and consent of the Senate, to appoint two additional surgeons and twelve additional assistant surgeons in the regular army of the United States, subject to the provisions of an act entitled "An act to increase and regulate the pay of the surgeons and assistant surgeons of the army," approved June 30, 1834; and that the officers whose appointment is authorized by this section, shall receive the pay and allowances of officers of the same grades respectively; and that the rank of the officers of the medical department of the army shall be arranged upon the same basis which at present determines the amount of their pay and emoluments: *Provided*, That the medical officers shall not in virtue of such rank be entitled to command in the line or other staff departments of the army.

Two additional surgeons and twelve assistant surgeons to be appointed in the regular army.

Act of 1834, c. 133. Vol. 4. p. 2335.

§ 9. *And be it further enacted*, That each non-commissioned officer, musician, or private enlisted or to be enlisted in the regular army, or regularly mustered in any volunteer company, for a period of not less than twelve months, who has served or may serve during the present war with Mexico, and who shall receive an honorable discharge, or who shall have been killed or died of wounds received or sickness incurred in the course of such service, or who shall have been discharged before the expiration of his term of service in consequence of wounds received or sickness incurred in the course of such service, shall be entitled to receive a certificate or warrant from the War Department for the quantity of one hundred and sixty acres, and which may be located by the warrantee, or his heirs at law, at any land office of the United States, in one body, and in conformity to the legal subdivisions of the public lands, upon any of the public lands in such district then subject to private entry; and upon the return of such certificate or warrant, with evidence of the location thereof having been legally made, to the General Land Office, a patent shall be issued therefor. That in the event of the death of any such non-commissioned officer, musician, or private during service, or after his discharge, and before the issuing of a certificate or warrant as aforesaid, the said certificate or warrant shall be issued in favor, and enure to the benefit, of his family or relatives, according to the following rules: first, to the widow and to his children; second, his father;

Non-commissioned officers, musicians, and privates under certain circumstances, to receive a warrant for 160 acres of land.

third, his mother. And in the event of his children being minors, then the legally constituted guardian of such minor children shall, in conjunction with such of the children, if any, as may be of full age, upon being duly authorized by the orphans' or other court having probate jurisdiction, have power to sell, and dispose of such certificate or warrant for the benefit of those interested. And all sales, mortgages, powers, or other instruments of writing, going to affect the title or claim to any such bounty right, made or executed prior to the issue of such warrant or certificate, shall be null and void to all intents and purposes whatsoever, nor shall such claim to bounty right be in anywise affected by, or charged with, or subject to, the payment of any debt or claim incurred by the soldier prior to the issuing of such certificate or warrant.

Provide.

Provide, that every person entitled to receive a land warrant may receive scrip for \$100, bearing 6 per ct. interest.

Non-commissioned officers, &c. under certain circumstances, to receive a warrant for 40 acres of land.

President to appoint four quartermasters.

Provided, That no land warrant issued under the provisions of this act shall be laid upon any lands of the United States to which there shall be a pre-emption right, or upon which there shall be an actual settlement and cultivation: *Provided further*, That every such non-commissioned officer, musician, and private who may be entitled, under the provisions of this act, to receive a certificate or warrant for one hundred and sixty acres of land, shall be allowed the option to receive such certificate or warrant, or a treasury scrip for one hundred dollars, and such scrip, whenever it is preferred, shall be issued by the Secretary of the Treasury to such person or persons as would be authorized to receive such certificates or warrants for lands; said scrip to bear an interest of six per cent, per annum, payable semi-annually, redeemable at the pleasure of the government. And that each private, non-commissioned officer, and musician, who shall have been received into the service of the United States, since the commencement of the war with Mexico, for less than twelve months, and shall have served for such term or until honorably discharged, shall be entitled to receive a warrant for forty acres of land, which may be subject to private entry, or twenty-five dollars in scrip if preferred; and in the event of the death of such volunteer during his term of service, or after an honorable discharge, but before the passage of this act, then the warrant for such land, or scrip, shall issue to the wife, child, or children, if there be any, and if none, then to the father, and if there be no father, to the mother of such deceased volunteer: *Provided*, That nothing contained in this section shall be construed to give bounty land to such volunteers as were accepted into service, and discharged without being marched to the seat of war.

§ 1. *And be it further enacted*, That it shall, and may be lawful for the President, by and with the advice and consent of the Senate, to appoint from the officers of the army four quartermasters with the rank of major, and ten assistant quartermasters with the rank of captain. *Approved, February 11th, 1847.*

CHAP. 197. An act to change the time of holding one of the terms of the circuit court of the United States for the district of North Carolina.

Term of the Circuit Court

§ 1. *Be it enacted, &c.*, That, the term of the circuit court of the United States for the district of North Carolina, now

by law appointed to be held on the first Monday of December, shall hereafter be held on the last Monday of November (instead of the first Monday of December), in each and every year, and all actions, suits, appeals, recognizances, writs, processes, and other proceedings whatever pending in said court, or returnable thereto, shall have day, and be heard, tried, proceeded with, and decided accordingly. *Approved, February 15th, 1847.*

CHAP. 13. An act making appropriations for the payment of revolutionary and other pensions of the United States for the year ending the thirtieth June, one thousand eight hundred and forty-eight.

§ 2. *And be it further enacted*, That from and after the passage of this act, the Secretary of War is hereby authorized to make such compensation to agents for paying pensions as may be just and reasonable, to be paid out of the fund appropriated for the payment of revolutionary pensions, but in no case to exceed two per centum on moneys disbursed by them; the said compensation to be in full for all their services, and any contingent expenses that may arise in the discharge of their official duties, books, printing, and stationery excepted: *Provided*, That the amount of compensation allowed to any one pension agent shall not exceed one thousand dollars per annum: *And provided further*, That the Secretary of War shall so regulate the remittances made to pension agents as to prevent an undue accumulation of balances in their hands.

Approved, February 20th, 1847.

CHAP. 204. An act to regulate the carriage of passengers in merchant vessels.

§ 1. *Be it enacted, &c.*, That if the master of any vessel, owned in whole or in part by a citizen of the United States of America, or by a citizen of any foreign country, shall take on board such vessel, at any foreign port or place, a greater number of passengers than in the following proportion to the space occupied by them and appropriated for their use, and unoccupied by stores or other goods, not being the personal luggage of such passengers, that is to say, on the lower deck or platform one passenger for every fourteen clear superficial feet of deck, if such vessel is not to pass within the tropics during such voyage; but if such vessel is to pass within the tropics during such voyage, then one passenger for every twenty such clear superficial feet of deck, and on the orlop deck (if any) one passenger for every thirty such superficial feet in all cases, with intent to bring such passengers to the United States of America, and shall leave such port or place with the same, and bring the same, or any number thereof, within the jurisdiction of the United States aforesaid, or if any such master of a vessel shall take on board of his vessel at any port or place within the jurisdiction of the United States aforesaid any greater number of passengers than the proportions aforesaid admit, with intent to carry the same to any foreign port

or place, every such master shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any circuit or district court of the United States aforesaid, shall, for each passenger taken on board beyond the above proportions, be fined in the sum of fifty dollars, and may also be imprisoned for any term not exceeding one year: *Provided*, That this act shall not be construed to permit any ship or vessel to carry more than two passengers to five tons of such ship or vessel.

Proviso.

Vessels having on board twenty passengers more than the number limited by the last section, to be forfeited to the U. States.

§ 2. *And be it further enacted*, That if the passengers so taken on board of such vessel, and brought into or transported from the United States aforesaid, shall exceed the number limited by the last section to the number of twenty in the whole, such vessel shall be forfeited to the United States aforesaid, and be prosecuted and distributed as forfeitures are, under the act to regulate duties on imports and tonnage.

Tiers of berths and space allotted for passengers.

§ 3. *And be it further enacted*, That if any such vessel as aforesaid shall have more than two tiers of berths, or in case, in such vessel, the interval between the floor and the deck or platform beneath shall not be at least six inches, and the berths well constructed, or in case the dimensions of such berths shall not be at least six feet in length, and at least eighteen inches in width, for each passenger as aforesaid; then the master of said vessel, and the owners thereof, severally, shall forfeit and pay the sum of five dollars for each and every passenger on board of said vessel on such voyage, to be recovered by the United States as aforesaid, in any circuit or district court of the United States where such vessel may arrive, or from which she sails.

Penalty.

Children.

§ 4. *And be it further enacted*, That, for the purposes of this act, it shall in all cases be computed that two children, each being under the age of eight years, shall be equal to one passenger, and that children under the age of one year shall not be included in the computation of the number of passengers.

Penalties imposed by this act to be liens on the vessels violating its provisions, &c.

§ 5. *And be it further enacted*, That the amount of the several penalties imposed by this act shall be liens on the vessel or vessels violating its provisions; and such vessel may be libelled and sold therefor in the district court of the United States aforesaid in which such vessel shall arrive,

Approved, February 22d, 1847.

CHAP. 205. An act to regulate the exercise of the appellate jurisdiction of the Supreme Court of the United States, in certain cases, and for other purposes.

Records and proceedings in certain cases to be transferred to the district court of the U. S. for the district of Florida.

Act of 1838, c. 70, vol. 4, p. 2194.
Act of 1830, c. 105, vol. 4, p. 2193.

§ 1. *Be it enacted, &c.*, That all and singular the records of the proceedings in the several cases which were pending in the superior courts of the [of the] late Territory of Florida, under and by virtue of the act of Congress of the twenty-third of May, eighteen hundred and twenty-eight, entitled, "An act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida," and under and by virtue of an act entitled, "An act to provide for the final settle-

ment of land claims in Florida," approved twenty-sixth May, eighteen hundred and thirty, and in the several cases which were pending in the court of appeals of the same Territory, on the third day of March, in the year of our Lord one thousand eight hundred and forty-five, and all and singular the records of the proceedings in the several cases in which judgments or decrees had been rendered in the said courts on or before that day, and from which writs of error could have been sued out, or appeals could have been taken, or from which writs of error had been sued out, or appeals had been taken and prosecuted to the Supreme Court of the United States, according to the laws of the United States which were in force on the said third day of March, in the year of our Lord one thousand eight hundred and forty-five, shall, from and after the passing of this act, be transferred to and deposited in the district court of the United States for the district of Florida.

§ 2. *And be it further enacted*, That it shall be the duty of the judge of the district court of the United States for the district of Florida, immediately after the passing of this act, to cause the same to be notified to the several clerks of the superior courts, or to other officers or persons having in their possession or custody the records of the proceedings in the first section of this act referred to and described, and to demand the delivery of the same, to be deposited, as in and by the said first section of this act is required; and on the refusal of such clerk or other officer or person to comply with such demand, the said judge of the district court of the United States is hereby authorized and required to compel the delivery of the said records by attachment or otherwise, according to law.

The judge to cause the same to be notified to the clerks of the superior courts, &c.

§ 3. *And be it further enacted*, That in all cases in which judgment or decrees have been rendered in the said superior courts or court of appeals of the late Territory of Florida, and from which writs of error have been sued out or appeals have been taken to the Supreme Court of the United States, the said Supreme Court shall be, and is hereby, authorized to hear and determine the same, and the mandates of the said Supreme Court for the execution of the judgments or decrees so to be rendered by them, and all other writs which may be necessary in the exercise of the appellate jurisdiction of the said court in such cases, shall be directed to the district court of the United States for the district of Florida, and the said district court shall cause the same to be duly executed and obeyed.

Writs of error and appeals to the Supreme Court of the U. States.

§ 4. *And be it further enacted*, That the district court of the United States for the district of Florida shall take cognizance of all cases which were pending and undetermined in the said superior courts, under and by virtue of the act of Congress of the twenty-third May, eighteen hundred and twenty-eight, entitled, "An act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida," and under and by virtue of an act entitled "An act to provide for the final settlement of land claims in Florida," approved

District Court of Florida to take cognizance of certain cases.

Act of 1828, c. 70, vol. 4, p. 2194.
Act of 1830, c. 100, vol. 4, p. 2195.

twenty-sixth May, eighteen hundred and thirty; and of all cases which were pending and undetermined in the court of appeals of the late Territory of Florida, and from the judgments or decrees to be rendered in which writs of error could have been sued out or appeals could have been taken to the Supreme Court of the United States under the laws which were in force on the third day of March, in the year of our Lord one thousand eight hundred and forty-five, and shall proceed to hear and determine the same; and from the judgments or decrees to be rendered by the said district court, writs of error may be sued out or appeals may be taken to the Supreme Court of the United States, in the same manner as if such judgments or decrees had been rendered in the court of appeals of the Territory of Florida; and the mandates, and all writs necessary to the exercise of the appellate jurisdiction of the said Supreme Court, in such cases, shall be directed to the district court of the United States for the district of Florida, and the said district court shall cause the same to be duly executed and obeyed.

One year allowed to the parties in certain cases for suing out writs of error and taking appeals to the Supreme Court U. S.

§ 5. *And be it further enacted*, That in all cases not legally transferred to the State courts in which judgments or decrees have been rendered in the superior courts or court of appeals of the late Territory of Florida from which writs of error could have been sued out or appeals could have been taken to the court of appeals of said Territory, or to the Supreme Court of the United States, under the laws which were in force on the third day of March, in the year of our Lord one thousand eight hundred and forty-five, and in which writs of error have not hitherto been sued out or appeals have not hitherto been taken, there shall be allowed to the parties in the said cases the term of one year, from and after the passing of this act, for suing out such writs of error or taking such appeals to the Supreme Court of the United States, which shall have jurisdiction to review the same.

Unfinished business and proceedings.

§ 6. *And be it further enacted*, That any unfinished business or proceedings now remaining or pending before the judge of the superior court at St. Augustine, as a commissioner under and by virtue of the "Act for the relief of certain inhabitants of East Florida," approved twenty-sixth June, eighteen hundred and thirty-four, or under any other act granting special powers; or imposing special duties upon said judge, be, and the same are hereby, transferred to the judge of the district court of the district of Florida, to be proceeded in and finished, or decided in the same manner provided for by law; and the said district judge shall have, exercise, and possess, the same duties, powers; and rights, which have by virtue of the act of twenty-sixth June, eighteen hundred and thirty-four aforesaid, or otherwise been possessed and exercised by the said judge of the superior court at St. Augustine, so far as may be necessary to enable the said district judge to determine and finish any matter, business, or proceedings now pending and undetermined before the judge of the superior court aforesaid, by virtue of any such special act.

§ 7. *And be it further enacted*, That all and singular, the provisions of this act, so far as may be, shall be, and they are hereby, made applicable to all cases which were pending in the supreme or other superior courts of and for the late Territory of Michigan, at the time the said Territory was admitted as a State into the Union, and to all cases in which judgments or decrees have been rendered in said supreme or superior court of said late Territory of Michigan, and not hitherto removed as aforesaid by writ of error or appeal.

§ 8. *And be it further enacted*, That in all cases pending in any of the superior courts of said Territory of Florida, or in the court of appeals of said Territory, on the third day of March, eighteen hundred and forty-five, and not legally transferred to the State courts of the State of Florida, and which said Territorial courts continued to hold cognizance of, and proceeded to determine after said day, or which are claimed to have been since pending therein as courts of the United States; and in all cases of federal character and jurisdiction commenced in said Territorial courts after said day, and in which judgments or decrees were rendered, or which are claimed to have been since pending therein, the records and proceedings thereof, and the judgments or decrees therein, are hereby transferred to the district court of the United States for the district of Florida; and writs of error and appeals may be taken by either party to remove the judgments or decrees that have been, or may be, rendered in such cases unto the Supreme Court of the United States, and the Supreme Court may hear and decide such cases on such writ of error or appeal, and issue its mandate to said district court: *Provided, however*, Such writ of error or appeal shall be taken within one year from the passage of this act, or one year from the rendition of such judgment or decree hereafter rendered: *And provided, also*, That nothing in this act shall be construed as affirming or disaffirming the jurisdiction, power, or authority of the Territorial judges to proceed in or try, or determine, such cases after the third of March, eighteen hundred and forty-five, but the same may be referred to said Supreme Court for its decision in all said cases on such writ of error or appeal.

Approved, February 22d, 1847.

CHAP. 208. An act to establish a court at Key West, in the State of Florida, and for other purposes.

§ 1. *Be it enacted, &c.*, That all that part of the State of Florida, lying south of a line drawn due east and west from the northern point of Charlotte harbor, including the islands, keys, reefs, shoals, harbors, bays, and inlets, south of said line, shall be erected into a new judicial district, to be called the southern district of Florida; a district court shall be held in said southern district, to consist of one judge, who shall reside at Key West, in said district, and be called a district judge; and shall in all things have and exercise the jurisdiction and powers of a district and circuit court of the United States within the district afore-

said ; and appeals may be allowed and writs of error sued out and made returnable in the Supreme Court in the same manner and under the same rules and regulations as appeals and writs of error are allowed and sued out from and to a circuit court. The judge shall appoint a clerk, who shall reside and keep the records of the court at the place of holding the same ; and shall receive for the services he may perform the same fees to which the clerk of the Louisiana district is entitled for similar services.

Clerk.

Sessions.

§ 2. *And be it further enacted*, That the judge of said district shall hold two regular terms of court in each year at Key West—the one commencing on the first Monday in May, the other on the first Monday of November in each year. He shall also hold extra sessions of said court from time to time, at such places in said district as occasion may require, to despatch the business of said court ; and, for the purpose of hearing and deciding all cases of admiralty and maritime jurisdiction, the said court shall be at all times open.

Wreckers to be licensed.

§ 3. *And be it further enacted*, That no vessel nor master thereof, shall be regularly employed in the business of wrecking on the coast of Florida without the license of the judge of said court ; and, before licensing any vessel or master, the judge shall be satisfied that the vessel is sea-worthy, and properly and sufficiently fitted and equipped for the business of saving property shipwrecked and in distress ; and that the master thereof is trustworthy, and innocent of any fraud or misconduct in relation to any property shipwrecked or saved on said coast.

Compensation of judge.

§ 4. *And be it further enacted*, That there shall be allowed to the judge aforesaid an annual salary of two thousand dollars to be paid to him quarterly from the time of his appointment.

United States attorney to be appointed.

§ 5. *And be it further enacted*, That there shall be appointed in said district a person learned in the law to act as attorney for the United States, who shall, in addition to his stated fees, be paid by the United States two hundred dollars as a full compensation for all extra services.

United States marshal to be appointed.

§ 6. *And be it further enacted*, That there shall be appointed in said district a marshal, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees, as are allowed to marshals in the district of Louisiana, and shall, moreover be entitled to the sum of two hundred dollars annually, as a compensation for all extra services.

Provisions of an act of this session apply to the records, proceedings, &c. of the court established by this act.

§ 7. *And be it further enacted*, That the provisions of the act passed at this session, entitled "An act to regulate the exercise of the appellate jurisdiction of the Supreme Court of the United States in certain cases and for other purposes," shall be held to apply to all records, proceedings, judgments or decrees transferred to the court hereby established ; and all and singular the records and proceedings, judgments or decrees, specified in said act, that arose or pending, or claimed to be pending as stated in said act, in or before the superior court of the southern district of the late Territory of Florida, and provided

by said act to be transferred to the district court of the United States for the district of Florida, shall be, and are hereby transferred to the court hereby created, and all the provisions of said act relating to said district court of the United States for the district of Florida, or respecting the removal of judgments or decrees in such cases to the Supreme Court of the United States, or otherwise relating to such cases, shall be deemed and held to apply to the court hereby created, the same as to said district court of the United States for said district of Florida, and to the cases so as aforesaid transferred to the court hereby created.

§ 8. *And be it further enacted*, That the title and name of said district court of the United States for the district of Florida shall hereafter be the "district court of the United States for the northern district of Florida;" and that the judge of said northern district shall, in addition to the terms of his court heretofore prescribed to be held within said northern district, hold one term of the court for said district at Apalachicola on the first Monday in February of each year, and one term of said court at Pensacola on the first Monday in March of each year, for the trial of causes arising in the western section of the State of Florida.

Northern district of Florida.

Terms of courts for said district.

Approved, February 23d, 1847.

CHAP. 209. An act in addition to an act to establish a court at Key West in the State of Florida.

§ 1. *Be it enacted, &c.*, That the jurisdiction at present exercised under the existing laws by the district court of the United States for the district of Florida, shall continue to be exercised by the said court until a judge shall have been appointed and qualified under the provisions of an act of this session, entitled "An act to establish a court at Key West in the State of Florida," anything in the said act to the contrary notwithstanding.

Jurisdiction of the present district court continued until the appointment and qualification of judge for the new district.

Ante c. 308.

Approved, February 23d, 1847.

CHAP. 220. An act to establish a land office in the northern part of Michigan, and to provide for the sale of mineral lands in the State of Michigan.

§ 1. *Be it enacted, &c.*, That all that portion of the public lands, in the State of Michigan lying north of the boundaries of the Saginaw and Grand river land districts in said State, commonly called the northern peninsula of the State of Michigan, with the islands in lakes Superior, Huron, and Michigan, and in Green Bay, the straits of Michilimackinac, and the river St. Mary's, within the jurisdiction of said State, be, and the same are hereby, included in a land district, to be called the Lake Superior land district, and for the sale of the lands in said district, there shall be a land office established at such point therein as the President of the United States may select.

Lake Superior land district.

§ 2. *And be it further enacted*, That the Secretary of the Treasury shall cause a geological examination and survey of the

Sec'y of Treasury shall cause a geological ex.

amination and
survey.

Six months' no-
tice previous to
sale by the Pre-
sident.

lands embraced in said district to be made and reported to the Commissioner of the General Land Office. And the President is hereby authorized to cause such of said lands as may contain copper, lead, or other valuable ores, to be exposed to sale, giving six months' notice of the times and places of sales in such newspapers of general circulation in the several States as he may deem expedient, with a brief description of the lands to be offered; showing the number and localities of the mines known, the probability of discovering others, the quality of the ores, the facilities of working the mines, and the means and expense of transporting their products to the principal markets, in the United States. And all the lands embraced in said district, not reported as aforesaid, shall be sold in the same manner as other lands under the laws now in force for the sale of the public lands, excepting and reserving from such sales section sixteen in each township for the use of schools, and such reservations as the President shall deem necessary for public uses.

All persons in
actual occupa-
cy by lease from
Sec'y of War,
may purchase to
the extent of
lease.

§ 3. *And be it further enacted*, That all those persons who are in possession, by actual occupancy, of any portion of the district described in the first section of this act, under authority of a lease from the Secretary of War, for the purpose of mining thereon, and who have fully complied with all the conditions and stipulations of said lease, may enter and purchase the same at any time during the continuance of such lease, to the extent of such lease, and no less, by paying to the United States therefor at the rate of two dollars and fifty cents per acre: *Provided*, That said entry and purchase shall be made to include the original survey of such lease, as near as may be conforming to the lines of the public surveys of sections and subdivisions thereof.

Persons in ac-
tual occupancy
for mining pur-
poses may pur-
chase as those
holding under
lease.

And all those persons who are in possession, by actual occupancy, of any of said lands, for mining purposes, under authority of a written permit from the Secretary of War, and who have visible landmarks and monuments as boundaries thereon, and who have, in all other respects, complied with the conditions and stipulations contained in such permit, may enter and purchase the same, to the extent of the tract selected by them and reported to the Secretary of War, as required by said permit, and no less, in the same manner, as those who hold under leases, and at the same price: *Provided*, such entry and purchase be made before the day said lands shall be offered for sale by order of the President. And all those persons who shall be in possession, by actual occupancy, of a mine or mines actually discovered before the passage of this act, and who shall pay the same per centum of rents as those who hold under leases, as aforesaid, shall be permitted to enter and purchase one section of land, and not less, to include such mine or mines discovered and occupied as aforesaid, by them, by paying to the United States the same price, and at the same time, as required of those who hold under permits aforesaid, and all rents accruing from such lessees or occupants shall be paid and delivered to such officers of the Government as the Secretary of the Treasury shall direct: *Provided*,

Entry and pur-
chase to be made
before day of sale.

That prior to any such purchase being made under the provisions of this section, proof of possession and occupancy, as aforesaid, of the mine or mines claimed, shall be made to the register and receiver of the land district, together with the evidence of the payment of all rents due the United States, agreeably to such rules as may be prescribed by the Secretary of the Treasury for that purpose, which register and receiver shall each be entitled to receive one dollar for his services therein: *Provided*, That an appeal from the decision of the register and receiver to the Secretary of the Treasury may be had under such regulations as the said Secretary may prescribe. And if two or more persons are in possession of the same section, the first occupant shall be entitled to a preference, unless the same can be so divided by legal subdivisions as to give to each the discovery claimed by him.

Proof of possession and occupancy.

§ 4. *And be it further enacted*, That the said mineral lands shall be offered for sale in quarter sections, and no bid shall be received at a less rate than five dollars per acre; and if such lands shall not be sold at public sale at such price, they shall thereafter be entered at private sale at that price: *Provided*, That no legal division or subdivision of any of said lands upon which there may be an outstanding lease or leases from the Secretary of War unexpired or undetermined, and which is actually occupied for mining purposes, and the occupants of which have complied with all the requisites of such lease or leases, and continue to perform the same, shall be sold until after the determination of such lease or leases by efflux of time, voluntary surrender or other legal extinguishment thereof, except in such cases as are provided for in the third section of this act, and the lessees respectively shall be entitled to the privileges secured by said section upon the voluntary surrender of the lease or leases held by them.

Mineral lands offered for sale in quarter sections.

No legal divisions or subdivisions of standing leases to be sold.

§ 5. *And be it further enacted*, That the management and control of the mineral lands shall be transferred from the War Department, and placed under the jurisdiction and control of the Treasury Department; and all books, maps, papers, instruments, and other property, procured to be used and employed in the management, survey, exploring, or conducting of said mineral lands by the War Department, shall be delivered over and made subject to the disposition of the Secretary of the Treasury.

Secretary of the Treasury to have control & management of the mineral lands.

§ 6. *And be it further enacted*, That the President, by and with the advice and consent of the Senate, so soon as a sufficient number of townships are surveyed, and returns thereof made to the General Land Office, to authorize the commencement of the sales in said district, shall appoint one register and one receiver for the land office in said district, who shall reside at the place designated by the President for the land office, receive such compensation, give security, and discharge all duties pertaining to such office as are prescribed by law.

President to authorize commencement of the sales, and appoint register and receiver.

Approved, March 1st, 1847.

Act of 1845
c. 180, ante.

CHAP. 221. An act to amend the act entitled "An act to reduce the rate of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the revenues of the Post Office Department," passed third of March, eighteen hundred and forty-five.

Rates of com-
mission.

§ 1. *Be it enacted, &c.*, That That in lieu of commissions allowed deputy postmasters by the fourteenth section of the act of the third of March, eighteen hundred and twenty-five, the Postmaster General may allow, on the proceeds of their respective offices, a commission not exceeding the following rates on the amount received in any one year, or a due proportion thereof for less than a year: On a sum not exceeding one hundred dollars, forty per cent.; on a sum over the first hundred and not exceeding four hundred dollars, thirty-three and one-third per cent.; on a sum over and above the first four hundred dollars and not exceeding twenty-four hundred dollars, thirty per cent.; on a sum over twenty-four hundred dollars, twelve and one-half per cent.; on all sums arising from the postage on newspapers, magazines, and pamphlets, fifty per cent.; on the amount of postages on letters or packets received for distribution, seven per cent.: *Provided*, That all allowances, commissions, or other emoluments, shall be subject to the provisions of the forty-first section of the act which this is intended to amend; and that the annual compensation therein limited shall be computed for the fiscal year commencing on the first of July and ending the thirtieth of June each year, and that for any period less than a year the restrictions contained in said section shall be held to apply in a due proportion for such fractional period: *And provided further*, That the compensation to any deputy postmaster under the foregoing provisions to be computed upon the receipt at his office of a larger sum shall in no case fall short of the amount to which he would be entitled under a smaller sum received at his office.

Allowance of
commissions,
&c., subject to
provisions of
forty-first section
of act of 1845.

Compensation to
deputy postmas-
ters.

Moneys taken
by robbery shall
be paid to the
order of Post-
master General.

§ 2. *And be it further enacted*, That all moneys taken from the mails of the United States by robbery, theft, or otherwise, which have come or may hereafter come into the possession or custody of any of the agents of the Post Office Department, or any other officers of the United States, or any other person or persons whatever, shall be paid to the order of the Postmaster General, to be kept by him as other moneys of the Post Office Department, to and for the use and benefit of the rightful owner; to be paid whenever satisfactory proof thereof shall be made; and upon the failure of any person in the employment of the United States to pay over such moneys when demanded, the person so refusing shall be subject to the penalties prescribed by law against defaulting officers.

Franking privi-
lege.

§ 3. *And be it further enacted*, That all members of Congress, delegates from Territories, the Vice President of the United States, the Secretary of the Senate, and the Clerk of the House of Representatives, shall have the power to send and re-

ceive public documents free of postage during their term of office, and that the said members and delegates shall have the power to send and receive public documents free of postage up to the first Monday of December following the expiration of their term of office.

§ 4. *And be it further enacted*, That the Secretary of the Senate and Clerk of the House of Representatives shall have the power to receive, as well as to send, all letters and packages, not weighing over two ounces, free of postage during their term of office.

§ 5. *And be it further enacted*, That members of Congress shall have the power to receive, as well as to send, all letters and packages, not weighing over two ounces, free of postage up to the first Monday in December following the expiration of their term of office. *Approved, March 1st, 1847.*

CHAP. 222. An act to amend an act entitled "An act to regulate the carriage of passengers in merchant vessels," and to determine the time when said act shall take effect.

§ 1. *Be it enacted, &c.*, That the act to regulate the carriage of passengers in merchant vessels, approved the twenty-second day of February, eighteen hundred and forty-seven, shall, in regard to all vessels arriving from ports on this side of the capes of Good Hope and Horn, take effect and be in force from and after the thirty-first day of May next ensuing; and in regard to all vessels arriving from places beyond said capes, on and after thirtieth day of October next ensuing.

To take effect from 31st May as to vessels from this side the capes of Good Hope and Horn.
Ante c. 304.

§ 2. *And be it further enacted*, That so much of said act as authorizes shippers to estimate two children of eight years of age and under as one passenger, in the assignment of room, is hereby repealed. *Approved, March 2d, 1847.*

CHAP. 227. An act to amend an act entitled "An act to provide for the payment of horses or other property lost and destroyed in the military service of the United States," approved the eighteenth day of January, eighteen hundred and thirty-seven.

Act of 1837, c. 372, vol. 4, p. 2629.

§ 1. *Be it enacted, &c.*, That the above recited act be so amended as to embrace the claims of all owners of wagons or teams, who sustained, or shall sustain damage or injury from the loss of any horse, mule, or wagon, cart, boat, sleigh, or harness, while such property was in the military service of the United States either by impressment or contract, and the same has been destroyed or abandoned by the order of the commanding general, the commanding officer, or wagon-master, or otherwise lost or destroyed by unavoidable accident, without any fault or negligence of the owner, and when he was in the line of his duty; such owner shall be allowed and paid the value thereof at the time he entered the service.

The claims of owners of wagons and teams who have lost horses, &c. provided for.

§ 2. *And be it further enacted*, That the accounting officers of the treasury, in auditing and settling the claims under this act, and the one to which this is amendatory, shall make no other deductions from the claim, on account of former payments, than

Deductions in auditing and settling accounts.

for the use and risk and forage advanced for the horse actually lost by the claimant, and before he was again remounted, or for clothing to which he was not entitled by law.

Act of 18th Jan. 1837, and all other acts relating to same subject, continued for two years from 3rd March, 1847, &c.

§ 3. *And be it further enacted*, That an act entitled "An act to provide for the payment of horses and other property lost in the military service of the United States," approved the eighteenth of January, eighteen hundred and thirty-seven, and all other acts or parts of acts relating to the same subject, be, and the same are hereby, continued in force for the period of two years from and after the third day of March, eighteen hundred and forty-seven, and nothing contained in any former act shall be so construed by the accounting officers of the treasury as to prevent the presentation and adjustment of all the claims the payment of which is provided for by any of these several acts, within the time above specified. *Approved, March 2d, 1847.*

CHAP. 228. An act for the increase of the Marine Corps of the United States.

Additional officers, non commissioned officers, musicians and privates authorized.

§ 1. *Be it enacted, &c.*, That from and after the passage of this act, the United States marine corps as now organized shall consist of four additional captains, four first lieutenants, four second lieutenants, twenty-five sergeants, twenty-five corporals, twenty-five drummers, twenty-five fifers, and one thousand additional privates.

Officers how to be appointed.

§ 2. *And be it further enacted*, That the officers thus provided for shall be appointed first by promotion according to rank in the marine corps, and then by selection; and that their nominations shall be submitted to the Senate for their advice and consent.

Provisions of act of June 30, 1834, made applicable to the provisions of this act.

Act of 1834, c. 132, vol. 4, p. 2338. Provision.

§ 3. *And be it further enacted*, That the provisions of an act passed the thirtieth of June; eighteen hundred and thirty-four, entitled "An act for the better organization of the United States marine corps," be, and the same are hereby, made applicable in all respects to the provisions of this act: *Provided, however*, That, notwithstanding anything in said act to the contrary, the staff of the marine corps be, and the same is hereby, separated from the line of said corps; the officers of the former to receive the same pay and emoluments they now receive by law, and to hold the same assimilated rank, to wit: quartermasters, paymasters and adjutants and inspectors, the rank of major, and assistant quartermasters the rank of captain.

When said corps shall be reduced.

§ 4. *And be it further enacted*, That the President, at the termination of the Mexican war, shall reduce the marine corps to a number, both in men and officers, not exceeding the number now in service. *Approved, March 2d, 1847.*

CHAP. 236. An act making appropriations for the naval service for the year ending the thirtieth June, one thousand eight hundred and forty-eight.

That the first section of the act of fourth of August, eighteen

hundred and forty-two, entitled "An act making appropriations for the naval service for the year one thousand eight hundred and forty-two," shall not be construed as applying to the appointment of boatswains, gunners, carpenters, and sail-makers.

1st section of naval appropriation act of 4th Aug., 1842, not to apply to appointments of boatswains, gunners, &c.

§ 2. *And be it further enacted*, That so much of the proviso of the act of third of March, eighteen hundred and forty-three, entitled "An act making appropriations for the naval service for the half calendar year beginning the first of January and ending the thirtieth day of June, eighteen hundred and forty-four," as requires that provisions and all other materials of every name and nature, for the use of the navy, be furnished by contract with the lowest bidder, after advertisement, shall be, and the same is hereby so far modified, that it shall not apply to butter or cheese destined for the use of our navy, or things contraband of war. And it shall be lawful that contracts for those articles for the use of the navy be made, as heretofore, for periods longer than one year, if, in the opinion of the Secretary of the Navy, economy and the quality of the ration will be promoted thereby.

Act of 1842, c. 146.

Act of 1843, c. 398.

Butter and cheese, &c. for the navy.

§ 3. *And be it further enacted*, That the act of June seventeen, eighteen hundred and forty-four, entitled "An act making appropriations for the naval service for the fiscal year ending the thirtieth day of June, eighteen hundred and forty-five," which directs "that the Secretary of the Navy shall order a competent commissioned or warrant officer of the navy to take charge of the naval stores for foreign squadrons in place of naval storekeepers at each of the foreign ports where said stores may be deposited, and where a storekeeper is necessary," be, and the same is hereby, so far modified as to authorize the selection and appointment of citizens other than naval officers to be storekeepers on foreign stations, when suitable naval officers cannot be ordered on such service, or when, in the opinion of the Secretary of the Navy, the public interest will be promoted thereby. Persons so selected and appointed to receive the same compensation as now allowed, and to enter in to bond with security, as is required by law of officers of the navy performing said service.

Act of 1844, c. 107.

Naval storekeepers for foreign squadrons.

§ 4. *And be it further enacted*, That the pay of firemen and coalheavers employed in the naval service shall hereafter be fixed by the President of the United States, in the same manner as is now provided by law for the pay of other petty officers, and of seamen, ordinary seamen, and marines: and so much of the act of Congress, approved August thirty-first, eighteen hundred and forty-two, entitled "An act to regulate the appointment and pay of engineers in the navy of the United States," as fixes the pay of firemen and coalheavers, be, and the same is hereby repealed.

Pay of firemen and coalheavers regulated.

Act of 1842, c. 304.

§ 5. *And be it further enacted*, That of the money appropriated in this act for "pay of the navy," and contingent expenses enumerated, an amount not exceeding twenty-eight thousand and two hundred dollars may be expended, under the direction of the Secretary of the Navy, for repairs, improvements, and instructions at Fort Severn, Annapolis, Maryland; and for the purchase

Repairs and improvements at Fort Severn, Md.

of land for the use of the navy school at that place, not exceeding twelve acres.

In case of the loss or capture of public vessels pursers to be credited, &c.

§ 6. *And be it further enacted*, That in every case of the loss or capture of a vessel belonging to the navy of the United States, the accounting officers of the treasury, under the direction of the Secretary of the Navy, shall be, and they are hereby authorized, in the settlement of the accounts of the purser of such vessel, to credit him with such portion of the amount of the provisions, clothing, small stores, and money, with which he stands charged on the books of the Fourth Auditor of the Treasury, as they shall be satisfied was inevitably lost by such capture, or loss of a public vessel; and such purser shall be fully exonerated, by such credit from all liability on account of the provisions, clothing, small stores, and money, so proved to have been captured or lost.

Experiments to test the efficiency of Uriah Brown's shot proof steamship &c.

§ 7. *And be it further enacted*, That the Secretary of the Navy be, and he is hereby, authorized and directed to cause such experiments to be made under the immediate direction and superintendence of Uriah Brown as shall thoroughly test the efficient properties of a liquid fire, and the practical utility of a shot-proof steamship (the invention of said Brown) for coast and harbor defence; said experiments to be made in the presence of competent judges, to be selected by the Secretary of the Navy for that purpose; and it shall be the duty of the said Secretary to report to Congress, at the earliest practicable period thereafter, the result of such experiments; and his opinion whether the interest of the United States would be promoted by adopting this invention as a means of national defence. That said Brown shall receive the sum of six dollars per day while engaged in making said experiments, together with all his travelling and other necessary expenses: *Provided*, He shall not be so employed for a time exceeding six months. And that a sum not exceeding ten thousand dollars be, and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, for defraying the expenses of said experiments.

Proviso.

Appropriation.

Approved, March 3d, 1847.

CHAP. 238. An act making further appropriation to bring the existing war with Mexico to a speedy and honorable conclusion.

Preamble.

§ 1. *Be it enacted, &c.* That whereas a state of war now exists between the United States and the republic of Mexico, which it is desirable should be speedily terminated upon terms just and honorable to both nations; and whereas assurances have heretofore been given to the government of Mexico that it was the desire of the President to settle all questions between the two countries on the most liberal and satisfactory terms, according to the rights of each and the mutual interests and security of the two countries; and whereas the President may be able to conclude a treaty of peace with the republic of Mexico prior to the next session of Congress, if means for that object are at his disposal; and whereas, in the adjustment of so many complicated questions as now exist between the two countries, it may possibly

happen that an expenditure of money will be called for by the stipulations of any treaty which may be entered into; therefore, the sum of three millions of dollars be, and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, to enable the President to conclude a treaty of peace, limits, and boundaries with the republic of Mexico, to be used by him in the event that said treaty, when signed by the authorized agents of the two governments, and duly ratified by Mexico, shall call for the expenditure of the same, or any part thereof; full and accurate accounts for which expenditure shall be by him transmitted to Congress at as early a day as practicable.

Three millions of dollars appropriated to enable the President to conclude a treaty of peace, limits, &c., with Mexico.

Full and accurate accounts, expenditure to be kept and transmitted to Congress.

Approved, March 3d, 1847.

CHAP. 239. An act to provide for the punishment of piracy in certain cases.

§ 1. *Be it enacted, &c.*, That any subject or citizen of any foreign State who shall be found and taken on the sea making war upon the United States, or cruising against the vessels and property thereof, or of the citizens of the same, contrary to the provisions of any treaty existing between the United States and the State of which such person is a citizen or subject, when by such treaty such acts of such persons are declared to be piracy, may be arraigned, tried, convicted, and punished before any circuit court of the United States, for the district into which such person may be brought, or shall be found, in the same manner as other persons charged with piracy may be arraigned, tried, convicted, and punished in said courts.

Citizens and subjects of foreign States taken on the sea making war against the U. S. In certain cases to be tried and punished as pirates.

Approved, March 3d, 1847.

CHAP. 240. An act authorizing the erection of certain light-houses, and for other purposes.

§ 1. *Be it enacted, &c.*, That as soon as a cession shall be made by the States, respectively, within the limits of which any of the light-houses and other public works hereinafter provided for may be situated, to the United States, of the jurisdiction over a tract of land, respectively, proper for the said light-houses and other public works, the Secretary of the Treasury shall cause the said light-houses and other public works to be erected; and that he shall cause the light-houses and other public works herein provided for, which may be situated on such locations as are now within and under the jurisdiction of the United States, to be erected as soon as practicable; and that the following sums be, and hereby are appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose herein specified, to wit:

Appropriation for light-houses, &c.

IN MAINE.

Maine,

For building a light-house at Little river, in the town of Cutler, five thousand dollars;

For rebuilding a light-house at Mount Desert rock, fifteen thousand dollars;

For building a light-house at Prospect harbor, in the town of Gouldsborough, five thousand dollars;

For a spindle on the South breaker, near White Head light, three hundred dollars ;

For placing buoys on Trundy's reef and Broad Cove rock, in Muscle Ridge channel, to wit : one at each of the following places : Hay Island ledge, Hurricane ledge, Shreve's ledge, Spence's Head Island ledge, Long ledge, and Muscle ledge, two thousand dollars.

New Hampshire.

IN NEW HAMPSHIRE.

For rebuilding the light-house on a rock called the Whale's Back, twenty-five thousand dollars, inclusive of a former appropriation for a breakwater to protect that light-house.

Massachusetts.

IN MASSACHUSETTS.

For such a beacon as may be deemed necessary by the Secretary of the Treasury on a rock called the "Londoner," near Thatcher's Island, six thousand dollars ;

For a light-house on Minot's rock, in Boston harbor, twenty thousand dollars ;

For three spar buoys in Welfleet harbor, four spar buoys at the mouth of Westport harbor, and for nine buoys and a beacon in Buzzard's bay, two thousand dollars ;

For a light-boat to be stationed near a reef of rocks at the entrance of the Vineyard sound, called the Sow and Pigs, ten thousand dollars ; or for a permanent light-house on said reef, as the Secretary of the Treasury may deem best ;

For buoys on Hatset's rock, Mill rock, and three buoys on the spit, in and near the harbor of Edgartown ; for a buoy at Rockport ; for a buoy off Brant point, Nantucket ; for beacons or buoys on Harbor rock, Clam rock, Elisha's ledge, Fort point, and Black rock, in the harbor of Gloucester, two thousand dollars ; for a buoy on Ben's shoal off Monamoy point, eighty dollars ; for a buoy-boat on the east end of Tuckermuck shoal, and one on the end of Great or Sandy point rip, eight hundred dollars ;

For repairs to the causeway between the light-house and shore at Edgartown, five thousand dollars.

Connecticut.

IN CONNECTICUT.

For a light-house on the North Dumpling, in Fisher's Island sound, five thousand dollars ;

For a beacon on the South west ledge, in New Haven harbor, one thousand dollars ;

For rebuilding the light-house at the entrance of New Haven harbor, at a place to be designated by the Secretary of the Treasury, ten thousand dollars ;

For buoys at the following places, viz : One on Moulton's ledge, in New London harbor, one on the outward end of the northeast bar of "Two Tree Island," one on the north end of Bartlett's reef, one on the south end of the Great Goshen reef, one on White rock-reef, in Black Point bay, and one at the Housatonic river, the sum of seven hundred and twenty dollars ;

To complete the sea-wall for the protection of the light-house on Fair Weather island, near Black Rock, ten thousand dollars.

IN RHODE ISLAND.

Rhode Island.

For a buoy on Brinton's reef, near the entrance of the harbor of Newport, and for placing buoys on Buckley rock, Race rock, and on the east end of Watch Hill reef, four hundred dollars.

IN NEW YORK.

New York.

For a light-house at the entrance of Cattaraugus creek, four thousand dollars ;

For a red light on Governor's island, one hundred and fifty dollars ;

For a light-house on Execution rocks, in Long Island sound, twenty-five thousand dollars ;

For a beacon on Sandy Hook, three hundred dollars ;

For a beacon on the south side of Staten Island, three hundred dollars ;

For three beacon lights on the river St. Lawrence, at the passage of the "Thousand Isles," one at the head of the Narrows, one at Low Rock islet below Alexandria, and one at the shoal below Crossover island, six thousand dollars ;

For a light-house on Teller's point, on the Hudson river, four thousand dollars ;

For furnishing the light-houses on the Atlantic coast with means of rendering assistance to shipwrecked mariners, five thousand dollars, the same to be under the control and direction of the Secretary of the Treasury.

IN PENNSYLVANIA.

Pennsylvania.

To continue the construction of the light-house on the Brandywine shoals, in the Delaware river, thirty thousand dollars.

IN NEW JERSEY.

New Jersey.

For a Beacon light at the corner stake (so called) between Elizabeth point and Shorter's island, and also for a small light or lantern at Shorter's island, five thousand dollars.

For a light-house on the south end of Tuckers Beach, six thousand dollars ;

For a buoy in the south channel of New inlet, near Tuckerton, eighty dollars ;

For placing buoys in Little Egg Harbor, four hundred dollars ;

IN DELAWARE.

Delaware.

For buoys to mark the channels discovered by the coast surveyors in Delaware bay, three thousand three hundred dollars.

IN MARYLAND.

Maryland.

For a beacon-light at Greenbury point, at the harbor of Annapolis, three thousand five hundred dollars.

IN VIRGINIA.

Virginia.

For a buoy on Sand Shoal inlet, in Accomac, one hundred dollars.

IN NORTH CAROLINA.

North Carolina.

For a light-house on Boddy's island, twelve thousand dollars,

a former appropriation of five thousand dollars having been carried to the surplus fund ;

For a floating light, to take the place of one now off Brandt island, which is too much decayed for repair, fifteen thousand dollars.

South Carolina.

IN SOUTH CAROLINA.

For a light-house on South island, on the southern edge of Winneyah entrance, five thousand dollars ;

For a light-house at the entrance of Santee river, five thousand dollars ;

For buoys in Bull's bay and Santee river, one thousand dollars ;

For beacons to guide vessels over Charleston bar, three thousand dollars ;

Georgia.

IN GEORGIA.

For placing a lantern, lamps, and reflectors upon the beacon already erected upon the "Oyster beds," in Savannah river, and for a small house for the keeper, two thousand dollars ;

For erecting a small tower and a keeper's house upon the east end of Long Island, in said river, also for a similar tower and house on the east end of Fig island, in said river, six thousand dollars ;

For a buoy at Sapelo inlet, one hundred dollars.

Florida.

IN FLORIDA.

For a light-house at Cary's Fort reef, the sum of thirty thousand dollars, heretofore appropriated and carried to the surplus fund, is hereby reappropriated.

For a light-house on Egmont key, at the entrance of Tampa Bay, ten thousand dollars ;

For a light-house at Cape Canaveral, twelve thousand dollars ;

For a light-house at Cape St. George, eight thousand dollars ;

For a light-house at Cape St. Blas, eight thousand dollars ;

For a light-house at Key West, the old one having been destroyed by a tornado, twelve thousand dollars ;

For a buoy on "Rebecca shoal," about twenty miles east of Tortugas light, three hundred dollars ;

For a screw-pile light-house on or near Sand key, the light-house at that place having been destroyed by a tornado, twenty thousand dollars.

Mississippi.

IN MISSISSIPPI.

For a light-house on Merrill's shell bank, twelve thousand dollars ; and the appropriation of a like sum for a light on St. Joseph's island, on the third day of March, eighteen hundred and thirty-seven, is hereby repealed ;

For a light-house at Biloxi, twelve thousand dollars.

Louisiana.

IN LOUISIANA.

For a light-house on the "Bon Fouca," three thousand dollars ;

For a light-house on South Chandeleur island, twelve thousand dollars.

IN TEXAS.

Texas.

For the erection of a light-house on Galveston island, fifteen thousand dollars ;

For the erection of a light-house on Matagorda island, fifteen thousand dollars ;

For twenty wrought-iron buoys, to be placed in the waters of Texas, five thousand dollars.

IN OHIO.

Ohio.

For a beacon-light and preparing the head of the pier for the same at Vermillion river, three thousand dollars ;

For a light-house on Western Sister island, in Lake Erie, four thousand dollars.

IN ILLINOIS.

Illinois.

For a light-house at Chicago, three thousand five hundred dollars ;

For a light-house at Littlefort, four thousand dollars.

IN MICHIGAN.

Michigan.

For a light-house at Monroe, three thousand dollars ;

For a light-house at Clinton river, three thousand dollars ;

For a light-house near Waugoshance, the sum appropriated by the act of the seventh July, eighteen hundred and thirty eight, to wit : twenty-five thousand dollars, is hereby appropriated ;

For a light-house at Point au Barques, on the westerly shore of Lake Huron, and at the mouth of Saginaw bay, five thousand dollars ;

For a light-house at De Tour, where the river Sault Ste. Marie empties into Lake Huron, five thousand dollars ;

For a light-house at White Fish point, on Lake Superior, five thousand dollars ;

For a light-house at St. Joseph's, three thousand five hundred dollars ;

For a light-house at Copper Harbor, Fort Wilkins, Lake Superior, five thousand dollars.

IN WISCONSIN.

Wisconsin.

For a light-house at Southport, four thousand dollars ;

For a light-house at or near Tail point, at the mouth of Fox river, four thousand dollars.

§ 2. *And be it further enacted*, That the works at Cary's Fort reef, Florida ; near Waugoshance, Michigan ; Minot's rock, Massachusetts ; Whale's back, New Hampshire ; Fair Weather island, near Black rock, Connecticut ; and Brandywine shoals, in the Delaware river, Pennsylvania, shall be executed under the superintendence of the Topographical Bureau.

§ 3. *And be it further enacted*, That the light at the Delaware breakwater shall hereafter be included within the list of those established by law.

§ 4. *And be it further enacted*, That the following named

light-houses be, and they are hereby, discontinued, to wit: one at the west end of St. George's island and one at the entrance of St. Joseph's bay, in Florida; one at Cunningham's harbor and one at Otter creek, on Lake Erie; the light-house on Otter creek not to be discontinued, however, until the light-house at Monroe be completed; and that, whenever the light-house on the Execution rocks, Long Island sound, is completed, then the light at Sand's point, on Long Island, be discontinued.

Approved, March 3d, 1847.

CHAP. 241. An act for the admission of the State of Wisconsin into the Union.

Preamble.

Whereas the people of the Territory of Wisconsin did, on the sixteenth day of December, eighteen hundred and forty-six, by a convention of delegates called and assembled for that purpose, form for themselves a constitution and State government, which said constitution is republican; and said convention having asked the admission of said Territory into the Union as a State, on an equal footing with the original States:

State of Wisconsin admitted into the Union.

§ 1. *Be it enacted, &c.*, That the State of Wisconsin be, and the same is hereby declared to be, one of the United States of America, and is hereby admitted into the Union on an equal footing with the original States, in all respects whatever.

Change of boundary, &c.

§ 2. *And be it further enacted*, That the assent of Congress is hereby given to the change of boundary proposed in the first article of said constitution, to wit: leaving the boundary line prescribed in the act of Congress entitled "An act to enable the people of Wisconsin Territory to form a constitution and State government, and for the admission of such State into the Union," at the first rapids in the river St. Louis, thence in a direct line southwardly to a point fifteen miles east of the most easterly point in lake St. Croix, thence due south to the main channel of the Mississippi river or lake Pepin, thence down the said main channel, as prescribed in said act.

Ante c. 89.

Assent of Congress to resolutions of convention relative to grants of lands, and the 5 pr. of fund.

§ 3. *And be it further enacted*, That the assent of Congress is hereby given to the resolutions adopted by said convention and appended to said constitution, and the acts of Congress referred to in said resolutions are hereby amended so that the lands thereby granted and the proceeds thereof, and the five per centum of the net proceeds of the public lands, may be held and disposed of by said State, in the manner and for the purposes recommended by said convention: *Provided, however*, That the liabilities incurred by the territorial government of Wisconsin, under the act entitled "An act to grant a quantity of land to the Territory of Wisconsin, for the purpose of aiding in opening a canal to connect the waters of Lake Michigan with those of Rock river," shall be paid and discharged by said State: *And provided, further*, That the even numbered sections along the route of said proposed canal shall be brought into market, and sold at the same minimum price, and subject to the same rights

Proviso.

Act of 1838, c. 124, ante.

of pre-emption to all the settlers thereon at the passage of this act, as other public lands of the United States.

§ 4. *And be it further enacted*, That it is made and declared to be a fundamental condition of the admission of said State of Wisconsin into the Union, that the constitution adopted at Madison, on the sixteenth day of December, in the year one thousand eight hundred and forty-six, shall be assented to by the qualified electors, in the manner and at the times prescribed in the ninth section of the twentieth article of said constitution. And as soon as such assent shall be given, the President of the United States shall announce the same by proclamation; and therefrom, and without any further proceedings on the part of Congress, the admission of said State of Wisconsin into the Union, on an equal footing in all respects whatever with the original States, shall be considered as complete.

Condition.

Approved, March 3d, 1847.

CHAP. 242. An act to create an additional land district in the Territory of Wisconsin, and for other purposes.

§ 1. *Be it enacted, &c.*, That all that portion of the public lands lying within the Territory of Wisconsin, north and west of the following boundary, to wit: Commencing at the Mississippi river on the line between townships twenty-two and twenty-three north, running thence east along said line to the fourth principal meridian, thence north along said meridian line to the line dividing townships twenty-nine and thirty, thence east along said township line to the Wisconsin river, thence up the main channel of said river to the boundary line between the State of Michigan and the Territory of Wisconsin, shall form a land district to be called the Chippewa land district; and for the sale of the lands in said district a land office shall be established at such place therein as the President of the United States may select.

Chippewa land district created.

Land office to be established.

§ 2. *And be it further enacted*, That the Secretary of the Treasury shall cause a geological examination and survey of the lands embraced in said district to be made and reported to the Commissioner of the General Land Office. And the President is hereby authorized to cense such of said lands as may contain copper, lead, or other valuable ores, to be exposed to sale, giving six months' notice of the times and places of sales in such newspapers of general circulation in the several States as he may deem expedient, with a brief description of the lands to be offered; showing the number and localities of the mines known, the probability of discovering others, the quality of the ores, the facilities of working the mines, and the means and expense of transporting their products to the principal markets in the United States. And all the lands embraced in said district, not reported as aforesaid, shall be sold in the same manner as other lands under the laws now in force for the sale of the public lands, excepting and reserving from such sales section sixteen in each

Geological examination of lands in said district to be made.

Mineral and other lands to be exposed to sale.

16th sections &c., to be reserved.

township for the use of schools, and such reservations as the President shall deem necessary for public uses.

Pre-emption
right to actual
occupants
mines.

§ 3. *And be it further enacted*, That every person or persons who shall be in possession, by actual occupancy, of a mine or mines, actually discovered previous to the passage of this act, and who shall pay the same rents as those who hold under leases from the Secretary of War, and which rents, accruing from such occupants and lessees shall be paid and delivered to such officer of the Government as the Secretary of the Treasury shall direct, shall be entitled to purchase the lands on which the same is or are situated at any time prior to the day of sale fixed by the President, in legal subdivisions, not exceeding in the aggregate one hundred and sixty acres, to include such mine or mines, paying to the United States therefor at the rate of five dollars per acre : *Provided*, That, prior to any entry being made under the provisions of this section, proof of possession and occupancy as aforesaid of the mine or mines claimed shall be made to the register and receiver of the land district, together with the evidence of the payment of all rents due the United States, agreeably to such rules as may be prescribed by the Secretary of the Treasury for that purpose, which register and receiver shall each be entitled to receive one dollar for his services therein : *Provided*, That an appeal from the decision of the register and receiver to the Secretary of the Treasury may be had, under such regulations as the said Secretary may prescribe. And if two or more persons are in possession of the same quarter section, the first occupant shall be entitled to a preference, unless the same can be so divided by legal subdivisions as to give to each the discovery claimed by him.

Proviso.

Appeals may
be made to Se-
cretary of Treas-
ury.

How mineral
lands shall be
offered for sale.

§ 4. *And be it further enacted*, That the said mineral lands shall be offered for sale in subdivisions of quarter sections, and no bid shall be received at a less rate than five dollars per acre ; and if such lands shall not be sold at public sales, they shall be subject to entry at private sale at that price : *Provided*, That no legal division or subdivision of any of said lands upon which there may be an outstanding lease or leases from the Secretary of War unexpired or undetermined, and which is actually occupied for mining purposes, and the occupants of which have complied with all the requisites of such lease or leases, and continued to perform the same, shall be sold until after the determination of such lease or leases by efflux of time, voluntary surrender, or other legal extinguishment thereof, except in such cases as are provided for in the third section of this act, and the lessees respectively, shall be entitled to the privilege secured by said section upon the voluntary surrender of the lease or leases held by them.

Proviso.

Management &
control of min-
eral lands to be
transferred to
Treasury Depart-
ment, &c.

§ 5. *And be it further enacted*, That the management and control of the mineral lands shall be transferred from the War Department, and placed under the jurisdiction and control of the Treasury Department, and all books, maps, papers, instruments, and other property procured to be used and employed in

the management, survey, exploring or conducting of said mineral lands by the War Department, shall be delivered over and made subject to the disposition of the Secretary of the Treasury.

§ 6. *And be it further enacted*, That the President, by and with the advice and consent of the Senate, so soon as a sufficient number of townships are surveyed, and returns thereof made to the General Land Office, to authorize the commencement of the sales in said district, shall appoint one register and one receiver for the land office in said district, who shall reside at the place designated by the President for the land office, receive such compensation, give security, and discharge all duties pertaining to such office, as are prescribed by law.

Register and Receiver to be appointed.

Approved, March 3d, 1847.

CHAP. 243. An act for the reduction of the costs and expenses of proceedings in admiralty against ships and vessels.

§ 1. *Be it enacted, &c.*, That in any case brought in the courts of the United States, exercising jurisdiction in admiralty, where a warrant of arrest, or other process *in rem*, shall be issued, it shall be the duty of the marshal to stay the execution of such process, or to discharge the property arrested, if the same has been levied, on receiving from the claimant of the same a bond or stipulation in double the amount claimed by the libellant, with sufficient surety, to be approved by the judge of the said court, or, in his absence, by the collector of the port, conditioned to abide and answer the decree of the court in such cause; and such bond or stipulation shall be returned to the said court, and judgment on the same, both against the principal and sureties, may be recovered at the time of rendering the decree in the original cause: *Provided*, That the entire costs in any such case, in which the amount recovered by the libellant shall not exceed one hundred dollars, shall not be more than fifty per cent. of the amount recovered in the same, which costs shall be applied, first to the payment of the usual fees for witnesses, and the commissioner, where a commissioner shall act on the case, and the residue to be divided, pro rata, between the clerk and marshal, under the direction of the judge of the court where the cause may be tried: *Provided further*, That no attorney's or proctor's fees shall be allowed or paid out of the said costs.

Marshal to stay execution in admiralty cause & discharge the property arrested on receiving bond and security from claimant to abide decree of court.

Proviso—costs, how limited & applied.

No attorney's or proctor's fees to be paid out of said costs.

Approved, March 3d, 1847.

CHAP. 244. An act to give the consent of Congress to the sale of certain salt spring lands heretofore granted to the States of Michigan, Illinois, and Arkansas.

§ 1. *Be it enacted, &c.*, That the State of Michigan shall be, and hereby is, authorized and empowered to sell, in such manner as the legislature of said State shall by law direct, the salt spring lands granted to said State for its use, by an act entitled "An act supplementary to the act entitled an act to establish the

Sale of salt spring lands granted to State of Michigan authorized.

Act of 1836, c. 121, vol. 4, p. 2454.

northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union on certain conditions," approved June twenty-third, eighteen hundred and thirty-six.

Sale of Saline lands granted to State of Illinois authorized.

Act of 1818, c. 62, vol. 3, p. 1674.

§ 2. *And be it further enacted*, That the State of Illinois shall be, and hereby is, authorized and empowered to sell, in such manner as the legislature of said State shall by law direct, the whole or any part of the saline lands lying in Jackson county, in said State, which were granted to the State of Illinois, by virtue of "An act to enable the people of the Illinois Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," approved April eighteenth, eighteen hundred and eighteen.

Sale of Saline lands granted to State of Arkansas authorized.

Act of 1836, c. 120, vol. 4, p. 2452.

§ 3. *And be it further enacted*, That the State of Arkansas shall be, and hereby is, authorized to sell, in such manner as the legislature of said State shall by law direct, the whole or any part of the saline lands granted to said State by virtue of an act supplementary to the act entitled "An act for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes," approved June twenty-third, eighteen hundred and thirty-six.

Approved, March 3d, 1847.

CHAP. 245. An act to establish a port of entry at Saluria, in the State of Texas, and for other purposes.

New Collection District in Texas established. Saluria created a port of entry.

§ 1. *Be it enacted, &c.*, That all that part of the State of Texas south and west of the counties of Matagorda and Wharton, and including said counties, shall be detached from the district of Texas, and shall constitute a collection district: That Saluria, on the northeasterly part of the island of Matagorda, shall be the port of entry for said district, and that Matagorda, Aransas, Copano, and Corpus Christi, as ports of delivery only.

Ports of delivery. Collector to be appointed.

§ 2. *And be it further enacted*, That a collector for the district of Saluria aforesaid shall be appointed by the President, with the advice and consent of the Senate of the United States, who shall hold his office for the terms and for the time prescribed by law for the like office in other districts. The said collector shall reside at Saluria aforesaid, and he shall be entitled to a salary not exceeding twelve hundred and fifty dollars per annum, including in that sum the fees allowed by law, and the amount he shall collect in any one year for fees exceeding the said sum of twelve hundred and fifty dollars shall be accounted for and paid into the treasury of the United States.

Salary.

Surveyors to be appointed.

§ 3. *And be it further enacted*, That surveyors for the aforesaid ports of delivery, to wit: Matagorda Labaca, Corpus Christi, and Copano, shall be appointed by the President, with the advice and consent of the Senate, with authority to exercise all the powers conferred by law on such officers; and that the salaries of said surveyors at Matagorda and Labaca shall be at the rate of six

Salaries.

hundred dollars per annum; and of those at Copano and Corpus Christi shall be at the rate of five hundred dollars per annum; and that there shall be a deputy collector appointed according to law, to reside at Aransas, and to exercise such powers under the revenue laws as the Secretary of the Treasury may prescribe; the compensation of said deputy collector shall be the legal fees on the business he may transact, and no more; and that the surveyor for the port of Cavallo shall be discontinued.

Deputy Collector to reside at Aransas.

Fees.

§ 4. *And be it further enacted*, That the surveyor for the port of Sabine shall be discontinued, and a deputy collector shall be appointed for said port of Sabine, with the same powers as the deputy collector of Aransas, provided for in third section of this act, whose salary shall be at the rate of one thousand dollars per annum.

Surveyor for Port of Sabine discontinued and Deputy Collectors to be appointed.

§ 5. *And be it further enacted*, That the salary of the collector for the district of Texas, residing at Galveston, shall be, from and after the thirtieth day of June next, not exceeding seventeen hundred and fifty dollars, including in that sum the fees allowed by law, and that the amount he shall collect in any one year for fees exceeding the said sum of seventeen hundred and fifty dollars shall be accounted for and paid into the treasury of the United States.

Salary of Collector at Galveston.

Approved, March 3d, 1847.

CHAP. 247. An act to amend an act entitled an act to raise for a limited time an additional military force, and for other purposes.

§ 1. *Be it enacted, &c.* That under the provisions of the ninth section of the act approved February eleventh, eighteen hundred and forty-seven, entitled "An act to raise for a limited time an additional military force, and for other purposes," it shall be the duty of the Secretary of the Treasury to issue Treasury scrip therein provided, on the certificate of the Secretary of War, showing the claimant entitled thereto, and not otherwise; and that the stock thus issued shall bear interest from the day of presenting to the Treasury Department such certificate of the Secretary of War in due form, and the interest thereon shall be payable on the first days of January and July in each year, and shall be transferable on the books of the Treasury Department kept in the Register's office. Such certificates of stock shall be signed by the Register of the Treasury, under the direction of the of the Secretary, who shall cause the seal of the Department to be affixed thereto, and no other signature shall be required to said stock.

Anno c. 198.

How scrip shall be issued under the 9th section of act of February 11th, 1847.

Interest when payable.

How certificates shall be signed and sealed.

Approved, March 3d, 1847.

CHAP. 248. An act creating a collection district in Maine, and constituting Bangor, in said district, a port of entry and delivery.

§ 1. *Be it enacted, &c.*, That the counties of Penobscot and Piscataquis, and the town of Frankfort, in the county of Waldo, be, and they hereby are, created a collection district, which shall be known and called the district of Bangor; and Bangor, within said county of Penobscot, is hereby made a port of entry and delivery for said district.

Collection district of Bangor created.

Bangor made a port of entry.

Collector to be appointed.

§ 2. *And be it further enacted*, That there shall be a collector of customs appointed for said district, together with such other officers as are provided for by law; and the compensation of said collector shall be such fees and commissions as he by law may be entitled to.

Frankfort to form a part of said district.

§ 3. *And be it further enacted*, That Frankfort, in the county of Waldo, shall form a part of said district of Bangor, in the same manner that it now forms a part of the district of Belfast; and there shall be a deputy collector at Frankfort, as is now provided by law, who shall perform all the duties, and exercise all the powers, in the same manner as the same were performed and exercised when Frankfort constituted a part of the district of Belfast.

Approved, March 3d, 1847.

CHAP. 249. An act making provision for an additional number of general officers, and for other purposes.

The ten reg'ts, authorized by the act of 11th Feb. 1847, to be organized.

§ 1. *Be it enacted, &c.*, That the president of the United States be, and he is hereby, authorized to organize the ten regiments to be raised by virtue of the act of the eleventh of February, eighteen hundred and forty-seven, into brigades and divisions, either by allotting portions of the same to the brigades and divisions of the regular army or volunteer forces in the service of the United States, and if the efficiency of the service shall require it, to appoint, by and with the advice and consent of the Senate, such number of additional brigadier generals, not exceeding three, and major generals not exceeding two, as the organization of the said forces, may require: *Provided*, That each brigade shall consist of not less than three regiments, and each division of not less than two brigades: *And provided further*, That the said general officers shall be immediately discharged from the service of the United States at the close of the war with Mexico.

Major Generals and Brigadier Generals to be appointed. *Provided*.

One Adjutant General and two assistant generals to be appointed.

§ 2. *And be it further enacted*, That there shall be added to the Adjutant General's department one assistant adjutant general, with the rank, pay, and emoluments, of a lieutenant colonel of cavalry, and two assistant adjutants general, with the brevet rank, pay, and emoluments of a captain of cavalry, to be appointed by the President, by and with the advice and consent of the Senate, in the same manner, and be charged with the same duties, as those authorized by existing laws.

President authorized to accept the services of volunteers now in Mexico, and to organize the same.

§ 3. *And be it further enacted*, That the President be, and he is hereby, authorized to accept the services of such of the volunteers now in Mexico as, in his opinion, the state of the public service may require, and who may, at the termination of the present term, voluntarily engage to serve during the war with Mexico; and to organize the same into companies, battalions, and regiments, agreeably to existing laws, and to commission the officers for the same.

Additional pay and allowances to volunteers who shall re-enter the service.

§ 4. *And be it further enacted*, That in addition to the pay and allowances provided for the volunteers now in the service of the United States, under existing laws, each volunteer who shall

re-enter the service under the provisions of this act, in Mexico, immediately after the close of his present term of service, shall be entitled to a bounty of twelve dollars, to be paid as soon as the company shall have been duly mustered and received by [by] the mustering and inspecting officer.

§ 5. *And be it further enacted*, That, the President be, and he is hereby, authorized to accept the services of individual volunteers to fill vacancies which may occur by death, discharge, or other cause, in the volunteer regiments or corps now in the service of the United States, or which may be received during the existing war with Mexico.

Individual volunteers may be accepted to fill vacancies, &c.

§ 6. *And be it further enacted*; That all the officers to be appointed in the ten regiments to be raised and organized under the "act to raise for a limited time an additional military force, and for other purposes," shall take rank, in case of equal grade, in such manner as the President of the United States may direct, without regard to priority of appointment.

How officers shall take rank.

Ante c. 186.

§ 7. *And be it further enacted*, That to each company of said ten regiments there may be appointed the same number of subaltern officers as are provided by existing laws for the companies of volunteers whose term shall expire as provided in the fifth section of the act of eleventh of February, eighteen hundred and forty-seven.

Number of subalterns to a company.

§ 8. *And be it further enacted*, That the provisions of the act approved May thirteenth eighteen hundred and forty-six, entitled "An act to authorize an increase of the rank and file of the army of the United States," be, and the same are hereby, made applicable to the regiment of mounted riflemen authorized by the act of the ninth of May, eighteen hundred and forty-six.

Mounted riflemen.

Ante c. 17.

§ 9. *And be it further enacted*, That to each regiment of dragoons, artillery, and mounted riflemen, in the regular army, there shall be added one principal teamster, with the rank and compensation of quartermaster sergeant; and to each company of the same, two teamsters, with the compensation of artificers.

Teamsters for the regiments of dragoons, artillery & mounted riflemen.

§ 10. *And be it further enacted*, That the proviso to the second section of the act approved March second, eighteen hundred and twenty-seven, entitled "An act giving further compensation to the captains and subalterns of the army of the United States, in certain cases," shall be so interpreted as not to include lieutenants who hold the appointments of adjutant and regimental quartermaster.

§ 11. *And be it further enacted*, That so much of any army regulation as gives to any sutler a lien upon any part of the pay of the soldiers, or a right to appear at the pay table to receive the soldier's pay from the paymaster, shall be, and the same is hereby, abrogated; and all regulations extending the rights and privileges of sutlers beyond the rules and articles of war shall be, and hereby are, abrogated.

Lieutenants holding the appointments of adjutant and regimental quartermaster.

Act of 1837, c. 190, Vol. 3, p. 3057.

Sutlers to have no liens on pay of soldiers, &c.

§ 12. *And be it further enacted*, That the President of the United States be, and he hereby is authorized, by and with the

Two Deputy
paymaster gene-
rals and ten pay-
masters to be ap-
pointed.

advice and consent of the Senate, to add to the pay department of the army two deputy paymaster generals, with the pay and allowances each of a deputy quartermaster general; and ten paymasters with the pay and allowances each of a paymaster of the army; and the officers so appointed shall give such bonds as the President shall, from time to time, direct: *Provided*, That the deputy paymaster generals shall, in addition to paying troops, superintend the payment of armies in the field.

Proviso.

Rank of officers
of Pay Dept.

§ 13. *And be it further enacted*, That the officers of the pay department shall have rank corresponding with the rank to which their pay and allowances are assimilated: *Provided*, That paymasters shall not in virtue of such rank be entitled to command in the line, or other staff departments of the army: *Provided, also*, That the right to command in the pay department between officers having the same rank, shall be in favor of the oldest in service in the department, without regard to the date of commission under which they may be acting at the time.

Proviso.

Paymasters of
volunteers to be
nominated to the
Senate.

§ 14. *And be it further enacted*, That all paymasters hereafter to be appointed by the President for the volunteer service of the United States shall be nominated to the Senate for confirmation to such office.

Bounty to the
regiment of dra-
goons.

§ 15. *And be it further enacted*, That the non-commissioned officers, musicians, and privates, of the regiment of dragoons authorized to be raised by an act entitled "An act to raise for a limited time an additional military force, and for other purposes," shall receive the same bounty as is allowed to the non-commissioned officers, musicians, and privates of the other regiments authorized to be raised by said act.

Ante c. 196.

Increase of Ord-
nance Dept.

§ 16. *And be it further enacted*, That the President of the United States be, and is hereby, authorized to add to the Ordnance Department, whenever he shall deem it expedient to increase the same, two captains and six first lieutenants, who shall be entitled to receive the same pay and allowances as officers of those grades, respectively, now belonging to that department, to be disbanded at the close of the war.

Brevets to non-
commissioned
officers:

§ 17. *And be it further enacted*, That when any non-commissioned officer shall distinguish himself, or may have distinguished himself in the service, the President of the United States shall be, and is hereby authorized, on the recommendation of the commanding officer of the regiment to which such non-commissioned officer belongs, to attach him by brevet of the lowest grade of rank, with the usual pay and emoluments of such grade, to any corps of the army; *Provided*, That there shall not be more than one so attached to any one company at the same time; and when any private soldier shall so distinguish himself, the President may in like manner grant him a certificate of merit which shall entitle him to additional pay at the rate of two dollars per month.

Proviso.

Two companies
to be added to
each of regiments
of Artillery.

§ 18. *And be it further enacted*, That there shall be added to each of the regiments of artillery two companies to be organized in the same manner, and who shall receive the like pay and allowances in every respect as authorized by existing laws; and

in addition to the four companies authorized by the act of March second, one thousand eight hundred and twenty-one, to be equipped as light artillery, the President is hereby empowered, when he shall deem it necessary, to designate four other companies, one in each regiment, to be organized and equipped as light artillery; and each regiment of artillery shall be allowed two principal musicians with the rates of pay provided by law for the principal musicians, in the regiments of infantry.

§ 19. *And be it further enacted*, That the officers and men of the light artillery, when serving as such and mounted, shall receive the same pay and allowances as provided by law for the dragoons.

§ 20. *And be it farther enacted*, That the provisions of the sixth section of the act entitled "An act respecting the organization of the army," &c., approved August twenty-third, one thousand eight hundred and forty-two, which allow additional rations to certain officers of the army, be, and the same are hereby, so extended as to embrace the Quartermaster General and Adjutant General of the army from the date of the act.

§ 21. *And be it further enacted*, That for the purpose of avoiding unnecessary expenses in the military establishment, including volunteers, the President of the United States be, and he is hereby authorized, in case of failure in filling the rank and file of any regiment or regiments, to consolidate such deficient regiment or regiments and discharge all supernumerary officers: *Provided*, That officers so discharged shall be allowed, in addition to the mileage already authorized by law, three months' pay to each.

§ 22. *And be it further enacted*, That all the officers appointed, and the additional force authorized to be raised under this act, shall be discharged at the close of the war with Mexico, except the officers of the ordnance authorized by the sixteenth section, and the two companies to each regiment of artillery, authorized by the eighteenth section of this act.

Approved, March 3d, 1847.

CHAP. 250. An act providing for the building and equipment of four naval steamships.

§ 1. *Be it enacted, &c.*, That the President of the United States be, and he is hereby, authorized to cause to be built and equipped four first-class sea-going steamships, to be attached to the navy of the United States, and that one million of dollars be, and is hereby appropriated for that purpose, to be paid out of any money in the treasury not otherwise appropriated.

§ 2. *And be it further enacted*, That from and immediately after the passage of this act, it shall be the duty of the Secretary of the Navy to accept, on the part of the government of the United States, the proposals of E. K. Collins and his associates, of the city of New York, submitted to the Postmaster General, and dated Washington, March sixth, eighteen hundred and forty-six, for the transportation of the United States mail between

New York and Liverpool, and to contract with the said E. K. Collins and his associates for the faithful fulfilment of the stipulations therein contained, and in accordance with the provisions of this act.

Steamships—
how to be con-
structed, &c.

§ 3. *And be it further enacted*, That the steamships to be employed by the said E. K. Collins and his associates in the transportation of the United States mail between New York and Liverpool shall be constructed under the inspection of a naval constructor in the employ of the Navy Department, and shall be so constructed as to render them convertible, at the least possible cost, into war-steamers of the first-class; and that each of said steamers shall receive on board four passed midshipmen of the United States navy, who shall serve as watch officers, and be suitably accommodated without charge to the government; and the said steamers shall also receive on board and accommodate, without charge to the government, one agent, to be appointed by the Postmaster General, who shall have charge of the mails to be transported in said steamships.

Each steamship
shall receive on
board four passed
midshipmen &
a mail agent.

Sec'y of Navy
to contract with
A. G. Sloo for
transportation of
mail between
New York and
N. Orleans, &c.

§ 4. *And be it further enacted*, That from and immediately after the passage of this act it shall be the duty of the Secretary of the Navy to contract, on the part of the government of the United States, with A. G. Sloo, of Cincinnati, for the transportation of the United States mail from New York to New Orleans, twice a month and back, touching at Charleston, (if practicable,) Savannah, and Havana; and from Havana to Chagres and back, twice a month. The said mail to be transported in at least five steamships of not less than fifteen hundred tons burden, and propelled by engines of not less than one thousand horse power each, to be constructed under the superintendence and direction of a naval constructor in the employ of the Navy Department, and to be so constructed as to render them convertible, at the least possible expense, into war steamers of the first class; and that the said steamships shall be commanded by officers of the United States navy not below the grade of lieutenant, who shall be selected by the contractor, with the approval and consent of the Secretary of the Navy, and who shall be suitably accommodated without charge to the government. Each of said steamers

What descrip-
tion of steam-
ships shall be
employed, and
how commanded.

Each of said
steamers to re-
ceive on board
four passed mid-
shipmen and a
mail agent.

Provido.

Compensation.

shall receive on board four passed midshipmen of the United States navy, who shall serve as watch officers, and be suitably accommodated without charge to the government; and each of the said steamers shall also receive on board and accommodate without charge to the government, one agent, to be appointed by the Postmaster General, who shall have charge of the mails to be transported in said steamers: *Provided*, The Secretary of the Navy may, at his discretion, permit a steamer of not less than six hundred tons burden, and engines in proportion, to be employed in the mail service herein provided for between Havana and Chagres: *Provided, further*, That the compensation for said service shall not exceed the sum of two hundred and ninety thousand dollars, and that good and sufficient security be required for the faithful fulfilment of the stipulations of the contract.

§ 5. *And be it further enacted*, That it shall be the duty of the Secretary of the Navy to contract, on behalf of the government of the United States, for the transportation of the mail from Panama to such port as he may select in the Territory of Oregon, once a month each way, so as to connect with the mail from Havana to Chagres across the isthmus; said mail to be transported in either steam or sailing vessels, as shall be deemed most practicable and expedient.

Sec'y of Navy
to contract for
transportation of
mail from Pana-
ma to Oregon.

§ 6. *And be it further enacted*, That it shall be the duty of the Secretary of the Navy to provide, in the contracts authorized by this act, that the Navy Department shall at all times exercise control over said steamships, and at any time have the right to take them for the exclusive use and service of the United States, and to direct such changes in their machinery and internal arrangements as the Secretary of the Navy may require; due provision being made in the said contracts for the mode of ascertaining the proper compensation to the contractors therefor.

Secretary to
provide in the
contracts that the
Navy Dept. shall
have control over
said steamships.

Approved, March 3d, 1847.

CHAP. 251. An act to establish certain post routes and for other purposes.

§ 1. *Be it enacted, &c.*, That the following be established as post-roads:

Post routes es-
tablished.

MAINE.

Maine.

From Dixfield, through Peru, to Canton Mills, in the county of Oxford.

From Newport, through Corinna and Dexter, to Dover, in the county of Penobscot.

From Standish, through Limington, Sebago, Denmark, and Bridgeton, to Sweden.

From Brownsville, in the county of Piscataquis, to Katadnin Iron Works.

From Monson, by Abbot, Parkman, Dexter, and Newport, to Detroit, in Maine.

NEW HAMPSHIRE.

New Hampshire.

From Exeter to the city of Manchester.

From the city of Manchester to Amherst.

From the city of Manchester, through Candia, South Deerfield, Deerfield, Nottingham, Wadley's Falls, Lamprey River, Stratham, Greenland, to Portsmouth.

VERMONT.

Vermont.

From Bakersfield, via West Enosburgh post office, and Enosburgh Falls post office, to West Berkshire.

From Bridgewater to Ludlow.

From Northumberland, New Hampshire, to Sutton, Vermont.

RHODE ISLAND.

Rhode Island

From Providence, Rhode Island, by Valley Falls, in Smithfield, Diamond Hill, in Cumberland, West Wentham, Franklin, Medway, and Holliston, to Framingham Depot, in Massachusetts.

From Providence, by Smithville or Clayville, to Killingly, Connecticut.

From Washington Village, in the State of Rhode Island, via Maple Root Meeting House, Weaver's Hill, East Coheag Hill, in West Greenwich, to Volentown, in the State of Connecticut.

Connecticut.

CONNECTICUT.

From Thompson, via the post villages of Fisherville, New Boston, Southbridge, Sturbridge, and Brimfield, to the Palma Depot.

New York.

NEW YORK.

From Beaverkill, in the county of Sullivan, through Colchester, to Walton, in the county of Delaware.

From Leroy, in the county of Genesee, via Roanoke, East Bethany, Bethany, and Brookville, to Alexandria.

From Wright's corners, in the county of Niagara, by the Hess road, to Somerset, in the same county.

From State bridge, in the town of Lenox, Madison county, via North Bay, on the north point of Oneida Lake, to Camden, in the county of Oneida.

From Antwerp, in Jefferson county, by way of Shingle Creek, Fowler, Fullersville, Edwards's, and Russell, to Canton, in St. Lawrence county.

From Norwich, in the county of Chenango, by Plymouth, South Otselic, and West Linkaen, to De Ruyter, in Madison county.

From Canisteo, in Steuben county, by way of Purdy Creek, through Greenwood and West Union, to Andover, in Alleghany county.

From Sempronius, Cayuga county, to Scott, Cortlandt county.

From Fulton, by way of Gilbert's Mills, to Central Square, in Oswego county.

From the village of Hampton, town of Westmoreland, in the county of Oneida, via Manchester, Walesville, and New York Mills, to the city of Utica, in said county.

From Pratt's Hollow, in the county of Madison, via Pine Woods, to the village of Hamilton.

From South Bern, in the county of Albany, via Chesterville, Ormanville, Longman's Hollow, to Coeyman's Landing, in the county of Albany.

From Cannonsville, Delaware county, by Trout Creek, to Unadilla, Otsego county.

From Port Jervis, Orange county, along the line of the Delaware and Hudson canal, to the mouth of the Lackawaxen stream.

New Jersey.

NEW JERSEY.

From Burlington city, Burlington county, via Columbus, to Georgetown.

From Burlington city to Wrightstown.

From Stanhope to Strausburg, Pennsylvania.

From Square Village, to the city of New York.

From Trenton, via Lawrenceville, to Pennington.

From Bordentown, in Burlington county, via Recklesstown, Jobstown, and New Egypt, to Freehold, Monmouth county.

From Flemington, in Hunterdon county, via Lebanonville and Cokesbury, to German valley.

From Freehold, via Turkey, Burgen Iron Works, to Tom's river, in Monmouth county.

From Flemington, via Greenville, to Ringoe's.

PENNSYLVANIA.

Pennsylvania.

From White Haven, via the State road, to Mount Pocono.

From Ebensburg, Cambria county, through the Woodland settlement, to intersect the Indiana and Curwinsville mail-route at Newman's Mills post office.

From Montrose, via New Milford, to Lausboro'.

From Pottstown, via Hillegass post office, Upper Hanover, Montgomery county, Spinnerstown, Bucks county, to Coopersburg, Lehigh county.

From Athens, in Bradford county, to Smithfield, in said county.

From Meadville, Crawford county, via Sugar Lake, to Cooperstown, Venango county.

From York, York county, via Dover, Dillsburg, and Allen, to Carlisle, Cumberland county.

From York, York county, by East Berlin, to York Sulphur Springs, (Petersburg,) Adams county.

From Brady's Bend, Armstrong county, to Anandale, Butler county.

From Montourseville, in Lycoming county, via Warrensville, Isaac Bailey's mill, J. K. Thompson's, James Williamson's, Bictel's mill, to Jersey shore, in said county.

From Mercer, in Mercer county, to West Middlesex, in said county.

From Collomsville, in Lycoming county, via Susquehanna Township, to Williamport, in said county.

From Mifflintown, via McCoystown, Juniata county, and Peru Mills, Bolingerstown, to Shade Gap, in Huntington county.

From Warren, in the county of Warren, via Wattsburg, Beaver Dam, Columbus, Wrightsville, Pittsfield, Youngsville, and Irvine, to the city of Erie.

From Brookville, in Jefferson county, via the State road, to Smickburg, in the same county.

From Grahamsville, in the county of Pike, to the mouth of the Lackawaxen.

From Ligonier, in the county of Westmoreland, to Donegal, in the same county.

From Reedsville, in Mifflin county, via the Kishacoquilla's Valley, to Locke's mill.

From McConnellsburch, Bedford county, via Webster's Mills, to Hancock, Washington county, Maryland.

From Berrysburg, Dauphin county, via Uniontown, to Georgetown, in Westmoreland county.

From Mercer, to Harrisville, Butler county, via Union Mills.

Virginia.

VIRGINIA.

From Osbornsford, Scott county, Virginia, to Letcher Court House, Kentucky.

From Saltville, Washington county, to Hendrick's Mills, Russell county.

From Mechanicsburg, by the house of James Davidson at the Rocky Gap; thence along the valley of the south or muddy fork of Wolf Creek, by the house of Pleasant Murphy, to Tazewell Court House. To return by the valley of clear fork of Wolf Creek, by the house of Henry W. Dills and Rocky Gap, to Mechanicsburg.

From Blacksville, Monongalia county, to Warren, in said county.

From De Kalb, Gilmer county, to Harrisville, Ritchie county.

From Pedler Mills, in Amherst county, to Fairfield, in Rockbridge county.

From Fairmount, via Jeremiah Hess's, to Salem, in Harrison county.

From Fairmount, Marion county, through Pruntytown, Taylor county, and Philippi, the county seat of Barbour county, to Buchanan, in Lewis county.

From Smithfield, on the national road, by Brandonville, Kingwood, Evansville, to Philippi.

From Staunton, via Beverly, Weston, to Parkersburg, on the Ohio river.

From Parkersburg, by Burning Spring and Glenville, to Bulltown.

From Fincastle, Botetourt county, to Blacksburg, Montgomery county, via Catawaba.

From Clarksville to Halifax Court House.

From the village of Trenton, on Willis river, Cumberland county, to Columbia, in the county of Fluvanna.

From Wytheville to Grayson Court House.

From Yellow Branch, in Campbell county, via Maston Clay's Mills, and Arnoldtown, to Leesville.

From Sperryville, Rappahannock county, to Robsonville, Madison county.

From Salem, in Roanoke county, to Boon's Mill, in Franklin county.

From Holston post office, via Holston river, to Saltville, in Washington county.

From the Red Sulphur Springs, in Monroe county, to Princeton, in Mercer county.

From Glade Spring to Emory and Henry College, in Washington county.

From Lebanon to Sand Lick, in Russell county.

From Fredericksburg to the store of William Colton.

From Louisburg, via the Sulphur Springs, Fleshmans, on Sewell Mountain, on the old Kanawha road, and Hughart's, to Fayette Court House.

NORTH CAROLINA.

North Carolina.

From Powell's Point or Elizabeth City, to Nag's Head, North Carolina, touching at Roanoke island.

From Jefferson, North Carolina, via Helton, to Shadrick Greer's, in Grayson county, Virginia.

From Johnsonville or Murchison's Mills, to Harrington.

From Marion, up crooked Creek, to Hendersonville.

From Albemarle, via Morgan's Mills, to Clear Creek, North Carolina, to return by Thomas Rowlands.

From Salisbury, via Brengle's Ferry, to Troy.

From Fayetteville, via Averasboro, to Smithfield, sixty miles.

From N. S. Jarrett's, in Macon county, North Carolina, via Fort Emmerly, on Hiwassee river, to Blairsville, Georgia.

From Lenoir to Deal's Mill, in Caldwell county, North Carolina, fifteen miles.

From Washington, Beaufort county, to Durham's creek, same county.

From Creed's Bridge, Virginia, to Knott's island.

From Ridgway, via Bullock's Store, Palmer's Springs, St. Tammany, Fitt's Store, to Ridgway.

From Strickland's Depot, to Taylor's Bridge, in Sampson county.

From Jefferson, via Mouth of Wilson, to Grayson Court House, Virginia.

From Elizabethtown, via House of Thomas Lewis, to Gravelly Hill.

SOUTH CAROLINA.

South Carolina.

From Earlesville to Limestone Springs, South Carolina.

From Aiken, by Merritt's bridge, to Leesville, South Carolina.

From Aiken to Burcalow, Orangeburg district, South Carolina.

From Leesville to Orangeburg Court House.

From Lewisville to Vance's Ferry.

From Aiken to Erwinton.

From Athens, Georgia, to Pendleton, South Carolina.

GEORGIA.

Georgia.

From Villa Rica (Georgia) to Tallapoosa and Shady Grove, to Jacksonville, Alabama.

From Covington, via Lofton's store, Indian Springs, and Guletsville, to Forsyth.

From Lagrange, via Vernon, Wehadkee, and Roanoke, to Wedowee, Alabama. The Fredonia route to commence at Vernon, and the Mount Hickory route to end at Roanoke.

From Lagrange, via Houston, to Franklin.

From Fayetteville to Greenville.

From White Sulphur Springs, via Warm Springs, to Talbotton.

From Dhlonega, by Tuccoah, to Benton, Tennessee.

From Villa Rica, via Powder Springs.

From Marietta, Roswell Factory, Social Hill, in Cherokee

county, Allenville, Cumming, and Coal Mountain, Forsyth county, Crossville, and Auroria, to Dahlonega.

From Hawkinsville to Troupville.

From Lawrenceville, via Gainesville, to Clarksville.

From Talbotton, by Nemsom's mills, in Macon county, to Lanier and Traveller's Rest, in Dooly county.

From Columbus, via Fort Mitchell and Oswhichee, in Alabama, to Florence, in Georgia, discontinuing the present route from Florence to Fort Gaines, via Eufaula.

From Columbus, via Villula, (in Alabama,) Glennville, and Eufaula, to Fort Gaines.

From Washington to Crawfordville.

From Columbus, (Georgia,) via Borum's, (in Russell county, Alabama,) Union Springs, Aberfoil, Union Hill, Montezuma, and Nathansville, to Blakely.

From Penfield to Union Point.

From Jasper, Marion county, Tennessee, by Rankin's ferry on the Tennessee river, Boiling Springs, to Trenton, Dade county, Georgia.

Alabama.

ALABAMA.

From Geneva, Alabama, to Uchee Anna, Florida.

From Decatur to Moulton.

From Double Springs to State Line, Georgia.

From Abbeville, via Freeman's Store and Skipperville, to Newton Court House.

From Black's Bluff to Poole's store.

From Americus, Georgia, via Lumpkin, Florence, Georgetown, Eufaula, Clayton, Louisville, Monticello and Troy, to Greenville, Alabama.

From Lebanon to Langston.

From Barnes's Cross-roads, via Indigo Head, to Louisville.

From Montgomery to Youngsville—changed so as to include Mount Jefferson.

From Village Spring to Aurora post office.

From Eufaula, via Abbeville, Columbia, Woodville, to Marianna, Florida.

From Double Springs to Jacksonville.

From Double Springs, by Ashville and Springville, to Elyton.

From Double Springs to Rome, Georgia.

From Tuscaloosa, via Wilson Sheppard's post office, Isaac Cain's post office, to Jasper.

From Jasper, via Eldredge, to Pikeville.

From Point Smith to Buzzard Roost.

From Decatur, via Houston's store, to Jasper.

From Jacksonville, Benton county, Alabama, via Terrapin Creek, Augustin Young's to Van Wert, Paulding county, Georgia.

From Blountsville, by Murphey's valley, to Aurora.

From Ashville to Montevalo.

From Carrollton, Georgia, to Rockdale, Randolph county.

FLORIDA.

Florida.

From Pensacola, by Apalachicola, St. Mark's, Cedar Keys and Tampa Bay, to Key West.

From Key West, by Miami river, Indian river and Mosquito inlet, to Charleston.

From St. Mary's, Georgia, by Nassau Court House, to Jacksonville, Florida.

From Jacksonville to Alligator, by Brandy Branch.

From Milton to Sparta.

From Okahumpka to Fort Butler.

MISSISSIPPI.

Mississippi.

From Houston to Starkville.

From Delta, Coahoma county, to Panola.

From Pontotoc to Ragdale's stand.

From Fulton to Houston.

From Houston to Columbus.

From Columbus to Hopewell.

From Louisville to Starkville.

From Jackson, via Paulding and Leashville, to Mobile, Alabama.

From Hillsboro', via Ludlow and Densentown, to Canton.

From Hernando to Chulahoma.

From Jacinto, Tishomingo county, via Danville, New Hope, to Matamoras, Tennessee.

From Starkville, Octibbehaw county, via Springfield, Drane's Mills, to Shongalow, Carroll county.

LOUISIANA.

Louisiana.

From Vidalia to Lake Providence, via Sicily Island, Deer Creek, and Bayou Macon.

From Shreveport to Logansport.

From Trinity, in the parish of Catahola, down Black river, to Howe's, in the parish of Concordia, Louisiana.

From St. Joseph, via Winnsboro', to Monroe.

From Yazoo city, in the State of Mississippi, via the courthouse of Josequina county, Providence, Louisiana, Bastrop, to Monroe, Washita county, Louisiana.

From Mansfield to Logansport, De Soto parish.

From Mansfield to Pulaski, Panola county, Texas.

From Pulaski, via Steele's, Caddo parish, to Greenwood.

From Washington, parish of St. Landry, to Bayou Rouge, via Hedsturn's, McBride's, and Morgan's.

From Covington, via John Parkins, and Wadsworth's, to Pear river, in the parish of St. Tammany.

ARKANSAS.

Arkansas.

From Pine Bluffs, via Princeton and Dallasport, to Washington.

From Batesville, up Poke bayou, via John Martin's, to Pilot Hill.

From Helena to the mouth of White river.

From Eldorado to Warren's, in Bradley county.

From Clarendon, Monroe county, to Surrounded Hill.

From Oakland Grove to Des Arques Bluffs, on White river.

From Pilot Hill to Rockbridge, Ozark county, Missouri.

From Benton, Saline county, via Preston Bland's to Perryville, Perry county.

From Benton, via Joel Brown's, Perriman McDanniel's, and Keezee's Mill, through Colbreath's settlement, to Warren's, Bradley county.

From Gainesville, in Greene county, crossing Black river at Sherky's ferry, via Dockworth's ferry, on Current river, Fourche Dumas, and the Medical Springs, to Charles Hatcher's, on Eleven Point river.

From Yellville, Marion county, via Joseph Coker's, to Forsythe, Taney county, Missouri.

From Smithville, Lawrence county, via Thomas Esta's, to Pilot Hill.

From Huntsville to Lebanon.

From Bentonville to Maysville.

From Elizabeth, in Jackson county, to Walcott.

From Marion, Crittenden county, via James Deeron's, to Smith's, Poinsett county.

From Dwight, Pope county, to Clinton, in Van Buren county.

From Clarksville, Johnson county, to St. Paul.

From Rock Roe to Bearkly.

From Searcy, White county, via the Chickasaw crossing and Oakland, to Helena, in Philip county.

From Little Rock, via Alexander Murphy's and Kinderhook, to Richwood, Izard county.

From Fort Smith to Tumlinsonville, Scott county.

From Arkansas Post, via Lagrew's Springs, to Crocket Bluffs.

From Helena, in Philips county; via Spring creek settlement, Oakland post office in St. Francis county, to Batesville, Independence county.

From Van Buren, Crawford county, to Fayetteville, via James Gin's, William Howard's Hathaway's Store, and Enos Harris's.

From Smithville, Lawrence county, to Richwood's, Izard county, via Thompson's Mills, Mount Vista, and Criswell's Ferry, across White river.

From Whittington's, Hot Spring county, to Dallas, Polk county via Mount Ida, and Caddo cove.

From New Madrid, Missouri, to Memphis, Tennessee, via Hickman's Bend, Mill Bayou, Osceola, Pecan Point, Frenchman's Bayou, Oldham, and Marion, in Arkansas.

From Jasper, in Newton county, to Lebanon, Searcy county, via Thomas Jones's, at the mouth of Big creek.

From Eldorado, Union county, to Monroe, Ouachita parish, Louisiana, via William Chapman's Store, William F. Bond's Store, in Union parish, Louisiana, and Ouachita city, Louisiana.

Missouri.

MISSOURI.

From Versailles, via mouth of Big Buffalo, to Bolivar.

From Independence, via Bent's Fort, to Santa Fe.

From Independence to Astoria, in the Territory of Oregon.

From Dade Court House, via Buck Prairie, to McDonald.

From Cassville, via John B. William's, to Forsythe.

From Georgetown to Lexington.

From Warsaw, via Oceola and Batesville, to Fort Scott, in the Indian Territory.

From Washburn's Prairie, via John B. King's, to Maysville, Arkansas.

From Bolivar, via Homansville, to Oceola.

From Thomasville, via the county seat of Texas county, Ellsworth, and Wickliffe, to Little Piney.

From Thomasville to Rockbridge.

From Canton, via Monticello, Sand Hill, and Memphis, to Lancaster, Schuyler county.

From Bolivar, via Buffalo, to Woodbury.

From Harrisonville to Little Osage.

From Georgetown to Cole Camp.

From Sarcoxie, via Union Grove, to Blytheville.

From Warsaw, via Erie, to Waynesville.

From Warsaw to Buffalo.

From Arcadia, via Big Creek and Camp Grove, to Cane Creek, in Wayne county.

From Weston, via Bloomington, to St. Joseph's.

From Harrisburgh, Lafayette county, to Rose Hill, in Johnson county.

From Bolivar to Cedar court-house.

From Hannibal to Belmont, in the State of Illinois.

From Springfield to Rockbridge.

From St. Joseph's, via the county seats of Clinton, Caldwell, Livingston, Linn, Macon, Shelby, to Palmyra.

From Alexandria, Clarke county, via the county seats of Clark, Scotland, Schuyler, Putnam, Mercer, Harrison, and Gentry, to London, in Atchison county.

From the county seat of Scotland county, via Monticello, to Quincy, Illinois.

From Bates Court House to Carthage in Jasper county.

From Carthage to Neosho.

From Palmyra to Indian Creek.

From Florida, in Monroe county, to Mexico, in Andrain county.

From Weston, via Estill's mill, to Plattsburgh.

From Waterloo, via Chambersburgh, Wood's mill, to Bloomfield, in Iowa.

From St. Louis to Femme Osage, via the old Bonhomme road.

From Tully, Lewis county, to St. Joseph's, in Buchanan county, via the county seat of Scotland, Macon, Putnam, Mercer, Harrison, and Gentry.

From St. Joseph's, via the county seat of Gentry, Harrison,

Mercer, Putnam, Schuyler, Scotland, and Clark, to Alexander.
ILLINOIS.

Illinois.

From Otsego, via Antioch, to Solon mills.

From Cass, via Barber's Corners and Du Page, and Vermont, to Oswego.

From La Salle, via the south side of Vermillion river, through Lowell, Galloway, and Moon's Point, to Pontiac, in Livingston county.

From Rock Island, via Camden, Independence, and James Gingle's, to Millersburgh.

From Fulton city, via Genessee Grove, Milledgeville, Elkhorn Grove, and Buffalo Grove, to Oregon, in Ogle county.

From Rock Island, via Camden, and Hollister's mill, in Rock Island county, Thomas R. Morey's Berlin, and Oxford, in Henry county, and North Prairie, to Hendersonville.

From Cedar Creek Mills, via Oneco, to Monroe, in the Territory of Wisconsin.

From Olney, Richland county, via St. Mary, to Newtown.

From Decatur, via Clinton, to Bloomington.

From Greenup, via Slisbury, to Charleston.

From New Harmony, in the State of Indiana, via Grayville, to Albion.

From Middleport to Urbana.

From Bristol, in Kendall county, via Sugar Grove, Grouse, Blackberry, Avon, and Line, to Sycamore.

From Josephine to Ottawa.

From Springfield, the seat of government, via Hillsboro', Greenville, Washville, Pinckneyville, Murphysboro, Saratoga, Jonesboro, and Unity, to Cairo city.

From St. Louis, Missouri, by Belleville, Sparta, Murphysboro, Saratoga, and Vienna, to Metropolis city, on the Ohio river.

From Penn, on the Illinois river, passing tri-weekly through the county seats of Bureau and Henry counties, to Rock Island, on the Mississippi river.

From Warsaw, in Hancock county, to Oyuacoka, via Keithsburg, to New Boston, so as to intersect the route from Boston to Rock Island.

From Dutchman's Point, via Sherman and Emmett, to Little Fort.

From Milwaukie, via Otsego, Dulanty, Elmsley, and Grass Point, to Chicago.

From La Salle, via Princeton and Combridge, to Millersburgh.

From Dundee, via Barrington, Lake Zurich, Gilmer, and Libertyville, to Little Fort.

From Pittsfield, in Pike county, Carrolton, in Greene county.

From Williamsburgh, in Shelby county, to Van Buren, in Montgomery county.

From Ottawa, via Norway and Holdman's Grove, and Cass to Summit.

From Caledonia, in Pulaski county, to Jonesboro', in Union county.

From Chicago, via Noyesville, Eldridge, Bonaparte, Warrenville, and Snyder's Mills, to Aurora.

From Pulaski, in Hancock county, via Big Elm Grove, Clayton, Walker's Neck, and Cacanay's Mills, to Perry, in Pike county.

From Evansville, in Indiana, via Albion and Fairfield, to Salem.

From Paducah, in Kentucky, via Metropolis, Vienna, Marion, and Benton, to Mt. Vernon, to intersect with route from Shawneetown to Salem.

From Friendsville to Albany.

INDIANA.

Indiana.

From Rockport to Newburg,

From Jasper, in Dubois county, to Paoli, Grange county, via Haysville.

From Leavenworth, Crawford county, via Magnolia, to Jasper, by the present State road.

From Evansville, Vanderburg county, via New Harmony, Indiana, and via Graysville and Albion, Illinois, to Fairfield, Illinois.

From Plymouth, Marshall county, to Goshen, Elkhart county, via the State road between those points.

From Monticello, in White county, via Winimac, Pulaski county, Barber's, Marshall county, and Dover, St. Joseph county, to South Bend, in said county.

From Door Village, Laporte county, via Bigelow's mills and John McIntosh's, to Tassinong, Porter county.

From Marion, Grant county, via Etna, to Huntington, Huntington county.

From Middletown, Henry county, via Yorktown, to Wheeling, Delaware county.

From Marion, Grant county, to Hartford, in Blackford county. From Lafayette, Tippecanoe county, via Rossville, middle ford of Wild Cat on the Michigan road, Richardville, Cocomo, to Marion, Grant county.

From Frankfort, Clinton county, to Canton, Tipton county.

From New Trenton, Franklin county, via South Gate, Kilrail, and Summan's, to Napoleon, Ripley county.

From Bowling Green, Clay county, to Point Commerce, Green county.

From Hagerstown, Wayne county, to Winchester, Randolph county.

From Aurora, Dearborn county, via Wilmington and Moor's Hill, to Versailles, Ripley county.

From Lawrenceburgh, via Wilmington, Dillsboro', Hart's mills, Cross Plains, and Canaan, to Madison, Jefferson county.

From Vernon, Jennings county, up the valley of Big Otter to Otter Village.

From Charlestown to New Albany.

Tennessee.

TENNESSEE.

From Double Springs, Jackson county, via Poplar Shade, to Smithville, De Kalb county.

From Whiteleysville, via Witcher's Cross Roads, to Lafayette.

From Bean's Station, Tennessee, via Morristown, to the mouth of Chucky.

From Columbia, Maury county, to Williamsport, said county.

From Spencer, via Wallsbridge, Isaac Miller's, crossing Col-lin's river at the Flat Shoals, to Smithville.

From Benton, Polk county, Tennessee, to Cohutta Springs, Georgia.

From Raleigh, via Portersville, to Covington, discontinuing the present route from Randolph to Belmont.

From Raleigh, through Portersville, Covington, and Ripley, to Dyersburg.

From Smithville, via Mechanicsville, to Woodbury.

From Sparta, up the Calf Killer river to its source, thence crossing the old Walton road, west of Robert Officer's, via James M. Goodbar's, Magnus Looper's, to West Fork Post Office.

From Fayetteville, Lincoln county, via Cold Water and Kelly's creek, on the south side of Elk river, to Elkton, in Giles county.

Kentucky.

KENTUCKY.

From Columbus, via Blandville, to Paducah.

From Paducah, via Benton, Waidsboro', and Murray, to Paris, in Tennessee.

From Paducah, via Lovelaceville, Blandville, and Milburn, to Clinton.

From Prestonsburg to Hazzard, Perry county.

From Princeton to the Empire Iron Works.

From West Liberty, via Little Sandy, head of Paint, to Paints-ville.

From Smithland, via Benton, to Mayfield.

From Pikeville, Kentucky, via Whitesburg and Pound, to Bickley's Mills, in Virginia.

From Blandville, via Hazle Creek, (Kentucky,) to Caledonia, Illinois.

From Eddyville, via Benton, to Mayfield.

From Prestonsburg, Kentucky, to Logan Court House, Vir-ginia.

From Rome post office, in Knox county, via Daniel Baker's, to the steam mill, in Clay county.

From Boonsville to Levi Pennington's.

From Piketon, via mouth of Pond creek, to Logan Court House, Virginia.

From Princeton, via Wallonia, to Cadiz.

From Russellville, in Logan county, via Franklin, Simpson

cotnty, Scottsville, Allen county, Tompkinsville, Monroe county, to Livingston, Tennessee.

From Hickman, via Feliciana and Mayfield, to Paducah.

From Caseyville, via Cypress and O. P. Griswold's, to Providence.

From Madisonville, via Ashbysburgh, to Owensboro'.

OHIO.

Ohio.

From Kinsman, via Johnstonville, to Warren.

From Steubenville, via Browning's Mills, on Island Creek, Knoxville, New Somerset, Mitchell's Salt Works, Moore's Salt Works, Croxton, Salineville, and Gaver's, to New Lisbon.

From Columbus, via New Albany, Johnstown, Utica, Martinsburg, Bladensburg, East Union, and West Bedford, to Roscoe, Coshocton county.

From Columbus Grove, Putnam county, to Waterville, Lucas county.

From New Philadelphia, Tuscarawas county, via Joseph Murphey's and Rogersville, to Chili, Coshocton county.

From Locust Grove, Adams county, via Marble Furnace, Tranquility, Youngsville, to Eckmansville.

From Cleveland, via Royalton, Hinkley, Granger, and Sharon, to Wadsworth.

From Sidney, via Palestine, to Urbana.

From Cleveland, via Gate's Mill, Munson, Claridon, Huntsburg, Windsor, to Meadville, in Pennsylvania.

From Ithaca, Darke county, through New Baltimore and Philipsburg, to Union, in Montgomery county.

From Lowell, Washington county, via Reginer's mills, Jackson and Olive townships, in Morgan county, to Sharon.

From Ashland, Ashland county, via Jeromeville, Mohecanville, to Loudenville, in Richland county.

From Canal Fulton, in Stark county, to Ashland, in Ashland county.

From St. John's, in Allen county, via Frysburg, to Dinsmoore, in Shelby county.

From Marion, in the county of Marion, via Kenton, in Hardin county, Huntersville, and Lima, in Allen county, to section ten, on the Miami canal.

From Xenia, in Green county, through Paintersville, in the same county, to Port William, in Clinton county.

From Jackson, in Jackson county, by the way of Vinton, to Cheshire, in Gallia county.

From Nashport, in Licking county, via Elizabethtown, to Hanover.

From Woodville, in Sandusky county, via Hartford and Port Clinton, in Ottawa county, to Sandusky city.

From Bethel, Clermont county, via Brownsville, to Feesburg, in Brown county.

From Fayetteville, Brown county, via Westborough, to Cuba, in Clinton county.

Michigan.

MICHIGAN.

From Grand Haven to Milwaukee, State of Wisconsin.

From Owosso, in the county of Shiawassee, to Lyons, in the county of Ionia.

Iowa.

IOWA.

From Washington to the county seat of Jasper county.

From Tipton, via Pioneer Grove to the county seat of Benton county.

From Oskaloosa, via Eddyville, to Clarksville, in Monroe county.

From Ottumwa to the county seat Appanoose county.

From Burlington to Keosauqua.

From Jacksonville, via Mononah and McGregor's landing, to Prairie du Chien, Wisconsin Territory.

From Keokuk, via Fairfield, Ottumwa, and Oskaloosa, to the Barracks, at the Racoon Fork of the Des Moines river.

From Wapello, via Columbus city, to Iowa city.

From Oskaloosa to Newton city, in Jasper county.

From Canton, Jackson county via Pioneer Grove, to Ivanhoe, in Linn county.

From Torlesboro, via Walling's Landing, to Bloomington.

From Iowa city, via the county seats of Iowa, Poweshock, and Jasper counties, to Fort Des Moines, the county seat of Polk county.

From Fairfield to Bloomfield.

From Iowa city, via Tipton and Dewitt, to Albany, Illinois.

From Dubuque to Fort Atkinson.

From Burlington, via Columbus city, Hillsboro, and Fort Allen, to Iowa city.

From Keokuk, via Charleston, Winchester, Birmingham, Agency city, Delonega, Oskaloosa, to Fort Des Moines, county seat of Polk county.

Texas.

TEXAS.

From Liberty to Beaumont.

From Buffalo (on Trinity river) to Springfield.

From Greenwood, Louisiana, via Mount Mourne, Grand Bluffs, and Pine Hills, in Panola county, and Rhodes, to Gaye's Post Office, Rusk county.

From Lagrange, via Scallon's Hamlet, and Cedar creek, to San Marco.

From Galveston, via Virginia Point, Liverpool, Hinds, Brazoria, and Caney, to Matagorda.

From Mansfield, Louisiana, via Ezekiel Jones', A. G. Turneys, Edward Smiths', and John Grave's, to Marshall.

Wisconsin.

WISCONSIN.

From Falls of St. Croix, to Lapointe, in St. Croix county.

From Rochester, in Racine county, to Sugar Creek, in Walworth county.

From Galena, State of Illinois, via New Diggings, to Mineral Point, in Iowa county.

From Potosi, Grant county, via Platteville, Head of Platte, Blue River, and Muscoday, in Iowa county, to the county seat of Richland county.

From Racine, in Racine county, to Beloit, in Rock county.

From Southport, in Racine county, via Beloit, Rock county, to White Oak Springs, in Iowa county.

From Janesville, via Catfish, in Rock county, to Christiana, in Dane county.

From Racine in Racine county, to Whitewater, in Walworth county.

From Prairieville, in Waukesha county, via Pemankie and Warren, to Rubicon, in Washington county.

From Janesville. Rock county, via Exeter and Yellow Stone in Green county, to Mineral Point, in Iowa county.

From Madison, Dane county, via Cross Plains, Groetsville, Reeveville, and Helena, to Dodgeville, in Iowa county.

From Monroe, Green county, via Greenville, to Blue Mounds, in Iowa county.

From Milton, Rock county, via Goodrich's Ferry, to Cottage Grove, in Dane county.

From Madison, Dane county, to Prairie du Chien, in Crawford county.

From Madison, Dane county, via Watertown, to Milwaukie, in Milwaukie county.

From Prairie du Chien to Cassville, in Grant county.

From Watertown, Jefferson county, to Waupan, Fond du Lac county.

From Watertown to Fond-du-Lac, in Fond-du-Lac county.

From Janesville, Rock county, via Lima, to Whitewater, in Walworth county.

From Janesville, via Indian ford, to Madison, Dane county.

From Beloit, via Monroe, in Green county, and Winslow, to Galena, Illinois.

From Beloit, Rock county, to Mineral Point, Iowa county.

From Plover Portage to Big Bull falls, in Portage county.

From Manitowoc rapids, via Manitowoc, to twin rivers, in Manitowic county.

From Milwaukie, via West Bend, in Washington county, to Fond-du-Lac in Fond-du-Lac county.

From Green Bay to Menomonie city, in Brown county.

From Green Lake, in Marquette county, via county seat of Winnebago county, to Green Bay, in Brown county.

From Sac Prairie, by Barahoo, to Fort Winnebago.

From Grafton, by Rubicon, in Washington county, and Hastis Rapids, to Oak Grove, Dodge county.

From Oak Grove, in Dodge county, via Burnett and Chester, to Wampum, in Fond-du-Lac county.

From Potosi to Lancaster, in Grant county.

From Dubuque, Iowa, via Wild's Ferry and Potosi, to Platteville.

From Green Bay, via Thompson's Mills, to Plover Portage.

From Fort Winnebago, via the county seat of Winnebago county, to Neenah.

From Summit, via Ocanemawac and Hustis Rapids, to the county seat of Dodge county.

From Prairieville, via Pewaukee, Lisbon, Warren, Erie, Wright, to Addison, Washington county.

From Janesville, via Fulton and Cooksville, to Rutland, in Dade county.

From Big Foot, via Solon, Antioch, Angola, and Franklin, to Little Fort, Illinois.

From Oak Grove, via Laurel and Elhah, in Dodge county, to Columbus, in Columbia county.

Oregon.

OREGON.

From Oregon City, via fort Vancouver and fort Nesqually, to the mouth of Admiralty inlet.

From Oregon City, up the Willamette valley, to the Kalamet river, in the direction of San Frisco.

When said routes shall go into operation.

proviso.

§ 2. *And be it further enacted*, That the above routes shall go into operation on the first day of July, eighteen hundred and forty-seven, or sooner, should the funds of the department justify the same: *Provided*, That as soon as a responsible contractor shall offer to transport the mails over any portion of the routes included in this bill, for the revenues arising therefrom respectively, the Postmaster General shall have the power forthwith to put them under contract.

Mails from New Orleans to Tampico.

§ 3. *And be it further enacted*, That the Postmaster General be, and he hereby is, authorized and directed to cause a mail to be transported once a week, and oftener, if he shall think the public interest requires it, from New Orleans, via Galveston, Passo Callo, Brasos de St. Iago, to Tampico, with return mails, the service to be performed by contract, or by the use of the public steamers now in the service of the War Department in the Gulf of Mexico, with the consent of the head of that Department; and for this service the sum of thirty thousand dollars is hereby appropriated.

Letters, &c., to persons belonging to the army in Mexico to be free.

proviso.

§ 4. *And be it further enacted*, That all letters, newspapers, and other packets, not exceeding in weight one ounce, directed to any officer, musician, or private of the army of the United States in Mexico, or at any post or place on the frontier of the United States, bordering on Mexico, shall be conveyed in the mail free of postage: *Provided*, That all letters or other packets directed to any person in the army shall contain, as a part of their direction, the words, "belonging to the army."

The two preceding sections to continue in force during the present war.

§ 5. *And be it further enacted*, That the two preceding sections continue in force during the present war, and for three months after the same may be terminated, and no longer.

Mail from Charleston to Chagres, and from Panama to Astoria.

§ 6. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to contract for transporting a mail from Charleston, South Carolina, to Chagres, touching at

St. Augustine and Key West, and also at Havana, in the Island of Cuba, if deemed expedient, and across the isthmus to Panama, and from thence to Astoria, or the mouth of the Columbia river, touching at Monterey, St. Francisco, and such other places on the coast as the Postmaster General may direct; the mail to be conveyed from Charleston to Chagres, and from Panama to Astoria, in steamships, and to be transported each way once every two months, or oftener, as the public interest may require: *Provided*, That the expenditure for said service shall not exceed one hundred thousand dollars per annum.

Provide.

§ 7. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to establish a post office and appoint a deputy postmaster at Astoria, and such other places on the coast of the Pacific, within the territory of the United States, as the public interest may require: that all letters conveyed to or from Chagres shall be charged with twenty cents postage; and all letters conveyed to or from Havana shall be subject to twelve and a half cents postage; and letters carried to or from Panama shall pay a postage of thirty cents, and letters to or from Astoria, or any other place on the Pacific coast, within the territory of the United States, shall pay forty cents postage.

Post Office to be established at Astoria.

Rate of postage.

§ 8. *And be it further enacted*, That any contract made in pursuance of this act shall provide for the purchase, by the United States, of the steamships to be employed in conveying the mail, at its option, agreeably to the provisions of an act, entitled "An act to provide for the transportation of the mail between the United States and foreign countries, and for other purposes," approved the third day of March, one thousand eight hundred and forty-five: *Provided*, That the departure and return of said mail may, at the discretion of the Postmaster General, be either from Charleston, New York, Savannah, Pensacola, or New Orleans, as may be deemed most consistent with the public interest.

Contracts to provide for the purchase of the steamships employed in conveying mails.

Act of 1845, c. 186, ante.

Provide.

§ 9. *And be it further enacted*, That the sum of thirty thousand dollars be, and the same is hereby, appropriated for the service herein provided for, to be paid from the general appropriation for mail transportation.

\$30,000 appropriated.

§ 10. *And be it further enacted*, That the Postmaster General be authorized and directed, when in his judgment the public interest or convenience may require it, to establish one or more branch post offices, to facilitate the operation of the post office in any city or place which, in the opinion of the Postmaster General, may require such additional accommodation for the convenience of the inhabitants; and it shall be the duty of the Postmaster General to prescribe the rules and regulations for the branch post offices which may be established by virtue of this act; and no additional postage shall be charged for the receipt or delivery of any letter or packet at such branch post office.

Branch post offices.

§ 11. *And be it further enacted*, That to facilitate the transportation of letters in the mail, the Postmaster General be authorized to prepare postage stamps, which, when attached to any letter or packet, shall be evidence of the payment of the postage

Postage stamps

chargeable on such letter, which said stamps the Postmaster General may deliver to any deputy postmaster who may apply for the same, the deputy postmaster paying, or becoming accountable for the amount of the stamps so received by him; and if any of said stamps shall not be used, but be returned to the General Post Office, the amount so returned shall be credited to such deputy postmaster; and such deputy postmaster may sell or dispose of any stamps so received by him, to any person who may wish to use the same; but it shall not be lawful for any deputy postmaster to prepare, use, or dispose of any postage stamps not authorized by and received from the Postmaster General; and any person who shall falsely and fraudulently make, utter, or forge any postage stamp, with the intent to defraud the Post Office Department, shall be deemed guilty of felony, and on conviction shall be subject to the same punishment as is provided in the twenty-first section of the act approved the third day of March, eighteen hundred and twenty-five, entitled "An act to reduce into one the several acts establishing and regulating the Post Office Department."

Penalty for forging such stamps.

Repeal of so much of the 6th sec. of act 3d Mar. 1845 as requires accounts to be kept of the postage of the pub. Depts. &c. See vol. 10, p. 684.

\$200,000 appropriated in lieu thereof.

Penalty for depositing in any P. O. two or more letters to different persons enclosed in the same envelope.

Proviso.

All newspapers, with certain exceptions, handbills, &c. to be subject to postage.

Contractors or mail carriers may transport papers out of the mails, &c.

§ 12. *And be it further enacted*, That so much of the sixth section of the act to which this is supplementary* as requires the Postmaster General to cause accounts of the postage that would be chargeable by the rates prescribed in said act upon all matter passing free through the mail, and that the same shall be paid to the Post Office Department from the contingent funds of the two Houses of Congress, and of the other departments of the government for which such mail service may have been performed, be, and the same is hereby, repealed; and that in lieu of such payment, and in compensation for such mail services as may be performed for the several departments of the government, there shall be paid to the Post Office Department, from the Treasury, for each year's service, the sum of two hundred thousand dollars, which is hereby appropriated for that purpose, out of any unappropriated money in the treasury.

§ 13. *And be it further enacted*, That it shall not be lawful to deposit in any post office, to be conveyed in the mail, two or more letters directed to different persons enclosed in the same envelope or packet; and every person so offending shall forfeit the sum of ten dollars, to be recovered by action *qui tam*, one half for the use of the informer, and the other half for the use of the Post Office Department: *Provided*, That this prohibition shall not apply to any letter or packet directed to any foreign country; and all newspapers conveyed in the mail shall be subject to postage, except those sent by way of exchange between the publishers of newspapers, and except those franked by persons enjoying the franking privilege, and newspapers not sent from the office of publication; and all handbills or circulars, printed or lithographed, not exceeding one sheet, shall be subject to three cents postage each, to be paid when deposited in any post office to be conveyed in the mail; and it shall be lawful for any contractor or mail carrier to transport newspapers out of the mail for sale or

distribution to subscribers, and the Postmaster General shall have authority to pay or cause to be paid a sum not exceeding two cents each, for all letters or packets conveyed in any vessel or steamboat not employed in carrying the mail from one post or place to any other post or place in the United States, subject to such regulations as the Postmaster General may prescribe; and such publications or books as have been or may be published, procured, or purchased by order of either House of Congress, or a joint resolution of the two Houses, shall be considered as public documents, and entitled to be franked as such; and it shall not be lawful to make any allowance or compensation to deputy postmasters in addition to their commissions as authorized by law, excepting the receipts from boxes, of which all beyond two thousand dollars shall be applied in defraying the expenses of their offices, and to be accounted for in the same manner as they are required to account for their commissions, and excepting the special allowance made by law to the postmasters at Washington city and New Orleans.

What publications shall be considered as public docs. and may be franked as such.

§ 14. *And be it further enacted*, That so much of the act approved the third day of March, A. D. eighteen hundred and forty-five, entitled "An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the Post Office Department,"* and of all other acts relating to the Post Office Department, or the service of that department, as is inconsistent with this act, be, and the same are hereby, repealed. *Approved, March 3d, 1847.*

Repeal of so much of the act of May 3, 1845, as is inconsistent herewith.

*See vol. 10, p. 662.

CHAP. 252. An act to amend an act entitled "An act to amend 'An act to carry into effect in the States of Alabama and Mississippi the existing compacts with those States with regard to the five per cent. fund and the school reservations.'"

§ 1. *Be it enacted, &c.*, That the provisions of "An act to amend an act entitled 'An act to carry into effect in the States of Alabama and Mississippi the existing compacts with those States with regard to the five per cent. fund and the school reservations,'" approved February twenty-six, eighteen hundred and forty-five, be, and the same are hereby, extended so as to enable the State of Alabama to locate a quantity of land in any of the States or Territories equal to the quantity now due to the inhabitants of the township within the Chickasaw cession within said State: *Provided*, That they shall be made subject to the restrictions and limitations of the act the title of which has been cited, as far as the same may be applicable.

Provisions of the act of Feb. 26, 1845, extended so as to enable the State of Alabama to locate a certain quantity of land.

Act of 1842, c. 142, ante.

Proviso.

Approved, March 3d, 1847.

CHAP. 254. An act to amend an act entitled "An act to provide for the better organization of the department of Indian affairs," and an act entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved June thirtieth, eighteen hundred and thirty-four, and for other purposes.

Act of 1834, c. 161, 162, vol. 4, p. 2394, 2401.

§ 1. *Be it enacted, &c.*, That the limits of each superintendency, agency, and sub-agency shall be established by the Sec-

Limits of superintendencies.

agencies, &c. to be established.

Offices & houses for superintendents, agents, &c.

Penalty for introducing into the Indian country and selling spirituous liquors.

Indians made competent witnesses.

Annuities, goods, &c. may be paid over to heads of families.

No annuities, moneys or goods to be distributed to Indians while in a state of intoxication.

retary of War, either by tribes or geographical boundaries; and the superintendents, agents, and sub-agents shall be furnished with offices for the transaction of the public business, and the agents and sub-agents with houses for their residences, at the expense of the United States; and, with the assent of the Indians, be permitted to cultivate such portions of land as the President or Secretary of War may deem proper.

§ 2. *And be it further enacted*, That the twentieth section of the "act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved June thirtieth, eighteen hundred and thirty-four, be, and the same is hereby so amended, that, in addition to the fines thereby imposed, any person who shall sell, exchange or barter, give, or dispose of, any *spirituous* liquor or wine to an Indian, in the Indian country, or who shall introduce, or attempt to introduce, any *spirituous* liquor or wine into the Indian country, except such supplies as may be necessary for the officers of the United States and the troops of the service, under the direction of the War Department, such person, on conviction thereof, before the proper district court of the United States, shall in the former case be subject to imprisonment for a period not exceeding two years, and in the latter case not exceeding one year, as shall be prescribed by the court, according to the extent and criminality of the offence. And in all prosecutions arising under this section, and under the twentieth section of the act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, approved June thirtieth, eighteen hundred and thirty-four, to which this is an amendment, Indians shall be competent witnesses.

§ 3. *And be it further enacted*, That the eleventh section of the "act to provide for the better organization of the department of Indian affairs," approved June thirtieth, eighteen hundred and thirty-four, be, and the same is hereby, so amended as to provide that all annuities or other moneys, and all goods, stipulated by treaty to be paid or furnished to any Indian tribe, shall, at the discretion of the President or Secretary of War, instead of being paid over to the chiefs, or to such persons as they shall designate, be divided and paid over to the heads of families and other individuals entitled to participate therein, or with the consent of the tribe be applied to such purposes as will best promote the happiness and prosperity of the members thereof, under such regulations as shall be prescribed by the Secretary of War, not inconsistent with existing treaty stipulations. And no such annuities, or moneys, or goods, shall be paid or distributed to the Indians while they are under the influence of any description of intoxicating liquor, nor while there are good and sufficient reasons for the officers or agents, whose duty it may be to make such payments or distribution, for believing that there is any species of intoxicating liquor within convenient reach of the Indians, nor until the chiefs and headmen of the tribe shall have

pledged themselves to use all their influence and to make all proper exertions to prevent the introduction and sale of such liquor in their country; and all executory contracts made and entered into by any Indian for the payment of money or goods shall be deemed and held to be null and void, and of no binding effect whatsoever.

§ 4. *And be it further enacted*, That from and after the thirtieth day of June next, one of the clerkships of a thousand dollars in the office of Indian affairs shall be discontinued, and that to the salary of chief clerk of said office there shall be added the sum of one hundred dollars, and to one of the salaries of a thousand dollars the sum of two hundred dollars.

One clerkship of \$1000 discontinued.

Salaries of two clerkships increased.

§ 5. *And be it further enacted*, That in aid of the means now possessed by the department of Indian affairs through its existing organization, there be, and hereby is, appropriated the sum of five thousand dollars, to enable the said department, under the direction of the Secretary of War, to collect and digest such statistics and materials as may illustrate the history, the present condition, and future prospects of the Indian tribes of the United States.

\$5,000 appropriated for statistical and historical objects.

§ 6. *And be it further enacted*, That for the purchase of presents for the Comanche and other Indians of Texas and the southwestern prairies, promised them in eighteen hundred and forty-six, and for the same object the present year, the sum of twenty thousand dollars be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated: *Provided*, That so much of this amount, not exceeding one-half, as may be found necessary on a proper settlement of the account of Messrs. Terry and brothers, be paid to them for presents which they advanced in the year eighteen hundred and forty-six, the War Department not having the authority to furnish them.

\$20,000 appropriated for presents to Comanche and other wild tribes.

Provide.

§ 7. *And be it further enacted*, That for compensation of a special agent and two interpreters for one year, to enable the War Department to keep up such a communication with the said Indians as may be necessary towards the preservation of a good understanding with them, and securing peace on the frontier, the sum of three thousand six hundred and fifty dollars be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated, and that the sum of ten thousand dollars be, and the same is hereby, appropriated to carry into effect the treaty with the Comanche and other tribes of Indians.

Compensation for special agent and two interpreters.

Appropriation to carry into effect treaty with Comanches.

§ 8. *And be it further enacted*, That the sum of six thousand dollars be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated, and placed at the discretion of the President to defray the expenses of the commission now sitting under the treaty between the United States and the Cherokee Indians of eighteen hundred and thirty-five and six.

Expenses of commission under the Cherokee treaty.

Approved, March 3d, 1847.

CHAP. 255. An act giving the consent of Congress to an act of the General Assembly of Virginia authorizing the levy of tolls on the James river.

Assent of Congress given to an act of legislature of Virginia authorizing the collection of tolls on the James River.

Proviso.

§ 1. *Be it enacted, &c.*, That the consent of Congress be, and the same is hereby, given to an act passed by the General Assembly of the State of Virginia, on the fifth day of March, eighteen hundred and forty-six, entitled "An act to incorporate a company to remove the bars in James river between the city of Richmond and Bermuda Hundred," and that the authority as conferred by the said act on the company thereby created, to demand and receive the tolls therein specified on vessels navigating the said river, "on condition only that the same shall have been made navigable in any season at high water from Rochell's landing at the city of Richmond to Bermuda Hundred, in the county of Chesterfield, by vessels drawing eleven feet and an half foot water," be, and the same is hereby, sanctioned and confirmed: *Provided, however*, and this assent is given on that express condition, that Congress may, at any time hereafter, repeal or modify the provisions of this act. *Approved, March 3d, 1847.*

RESOLUTIONS.

[No. 4.] A Resolution respecting the maps and charts of the surveys of the boundary lines of the United States of America with foreign states.

Copies of certain maps and charts to be prepared & transmitted to the executives of certain States.

Resolved, &c., That the Secretary of State be directed to cause to be prepared, and transmitted to the executives of the several States having boundaries with foreign States, a competent number of authentic copies of the settlement of such boundaries, and the maps and charts relating thereto, and the evidence thereof in the State Department. *Approved, March 1st, 1847.*

[No. 5.] Resolutions giving the thanks of Congress to Major General Taylor, and the officers and men under his command, in the late military operations at Monterey.

Thanks of Congress tendered to Major General Taylor, his officers and men.

Resolved, unanimously, &c., That the thanks of Congress are due, and are hereby tendered to Major General Zachary Taylor, his officers and men, for the fortitude, skill, enterprise, and courage which distinguished the late brilliant military operations at Monterey.

A gold medal to be struck and presented to General Taylor.

Resolved, That the President be requested to cause to be struck a gold medal with devices emblematical of this splendid achievement, and presented to General Taylor as a testimony of the high sense entertained by Congress of his judicious and distinguished conduct on that memorable occasion.

Swords to be presented to General Butler, Henderson, Twiggs, Worth, and Quitman.

Resolved, That the President of the United States be further requested to cause swords, with suitable devices, to be presented to Major General Butler, Major General Henderson, and to Brigadier General Twiggs, Brigadier General Worth, and Brigadier General Quitman, in testimony of the high sense entertained by Congress of their gallantry and good conduct in storming Monterey.

Resolved, That the President of the United States be further requested to present a sword, with suitable devices, to the nearest male relative of Brigadier General Hamer, and to communicate to him the deep regret which Congress feels for the loss of a gallant man, whose name ought to live in the recollection and affection of a grateful country.

A sword to be presented to the nearest male relative of General Hamer.

Resolved, That the president be requested to cause the foregoing resolutions to be communicated to General Taylor, and through him, to the army under his command.

Approved, March 3d, 1847.

[No. 7.] A Resolution to refund money to the States which have supplied volunteers and furnished them transportation during the present war before being mustered and received into the service of the United States.

Resolved, &c., That the Secretary of War be, and he is hereby, authorized and required to cause to be refunded to the several States, or to individuals for services rendered acting under the authority of any States, the amount of expenses incurred by them in organizing, subsisting, and transporting volunteers previous to their being mustered and received into the service of the United States for the present war, and for subsisting troops in the service of the United States without waiting for deductions to be made from the pay of the said volunteers.

Expenses incurred by States or individuals in organizing, subsisting, and transporting volunteers to be refunded.

Approved, March 3d, 1847.

[No. 10.] A Resolution authorizing the employment of the United States ships *Macedonian* and *Jamestown* in transporting provisions for the famishing poor of Ireland and Scotland.

Resolved, &c., That the Secretary of the Navy be, and he is hereby, authorized to place at the disposal of Captain George C. De Kay, of New Jersey, the United States ship *Macedonian*, for the purpose of transporting to the famishing poor of Ireland and Scotland such contributions as may be made for their relief; and that the said Secretary be also authorized to place at the disposal of Captain Robert B. Forbes, of Boston, the United States sloop-of-war the *Jamestown*, for the like purpose; or if the Secretary shall be of opinion that the public interest will be better subserved thereby, he is authorized to despatch said vessels upon the service aforesaid as public ships.

U. S. ship *Macedonian* placed at disposal of Capt. George C. De Kay, and sloop-of-war *Jamestown* placed at disposal of Capt. R. B. Forbes.

Approved, March 3d, 1847.

[No. 11.] A Joint Resolution relative to the preparation and presentation of medals to certain French, British, and Spanish officers.

Resolved, &c., That the President of the United States is hereby authorized and requested to cause suitable gold and silver medals to be prepared and presented to the officers and men belonging or attached to the French, British, and Spanish ships-of-war in the harbor of Vera Cruz, who so gallantly, and at the imminent peril of their lives, aided in rescuing from a watery grave many of the officers and crew of the United States brig *Somers*.

Suitable gold & silver medals to be prepared and presented to certain British, French & Spanish officers.

Approved, March 3d, 1847.

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